Washington, Thursday, June 25, 1959

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER D-REGULATIONS UNDER SOIL
BANK ACT

[Amdt. 35]

PART 485—SOIL BANK

Subpart—Conservation Reserve Program

MISCELLANEOUS AMENDMENTS

The regulations governing the conservation part of the Soil Bank Program, 21 F.R. 6289, as amended, are hereby further amended as follows:

§ 485.153 [Amendment]

1. Section 485.153 is amended by adding a sentence following the third sentence as follows: "Land which is subject to interests outstanding in persons other than the producer (including, but not limited to, easements, rights-of-way, options of purchase and sale, and leases) shall not be eligible unless the county committee determines that such outstanding interests are not likely to prevent the establishment and maintenance of the conservation practice for the contract period."

2. Section 485.153b is amended to read as follows:

§ 485.153b Land in small watershed projects.

Any land, which is otherwise eligible, on which an easement or right-of-way is granted in connection with a project authorized under the Soil Conservation Act of 1935, 49 Stat. 163; The Flood Control Act of 1936, 49 Stat. 1570; the Flood Control Act of 1944, 58 Stat. 887; the Watershed Protection and Flood Prevention Act, 68 Stat. 666; or a project otherwise authorized which may be determined by the Administrator to be similar to projects authorized under said Acts, shall be eligible to be designated as conservation reserve, except for any part of such land which is permanently flooded by water as a result of the works of such project.

§ 485.156 [Amendment]

3. Paragraph (d)(1) of § 485.156 is amended by deleting the word "and" at the beginning of the last clause of the second sentence and changing the period at the end of the second sentence to a semicolon and adding the following: "and (vi) to permit the producer to reduce the land in the conservation reserve at the regular rate by removal of land therefrom which is permanently flooded as the result of the construction of a small watershed project as defined in \$485.153(b); cost-share payments payable or paid on the land removed shall be forfeited or refunded."

(Sec. 124, 70 Stat. 198: 7 U.S.C. 1812)

Issued at Washington, D.C., this 18th day of June 1959.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59-5276; Filed, June 24, 1959; 8:52 a.m.]

Title 7—AGRICULTURE

Chapter 1—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 28—COTTON CLASSING, TEST-ING, AND STANDARDS

Subpart C—Standards

AMENDED OFFICIAL COTTON STANDARDS OF THE UNITED STATES FOR THE GRADE OF AMERICAN UPLAND COTTON

On May 22, 1959, a notice of proposed rule making was published in the Federal Register (24 F.R. 4147) regarding proposed revisions in the Official Cotton Standards of the United States for the Grade of American Upland Cotton (7 CFR 28.401–28.427), also termed "Universal Standards for American Cotton," pursuant to authority contained in section 10 of the United States Cotton Standards Act, as amended (42 Stat. 519; 7 U.S.C. 61), and in section 4854 of the Internal Revenue Code of 1954 (68A Stat. 580; 26 U.S.C. 4854).

(Continued on p. 5171)

CONTENTS

Agricultural Marketing Service Proposed rule making: Federal meat grading service;	Page
extension of time for filing comments on proposed suspension	5187
Cotton, American upland; offi- cial U.S. standards Milk in the New York-New Jer-	5169
sey marketing area Nectarines grown in Florida; limitation of shipments	5175 5176
Agricultural Research Service Rules and regulations: Eligibility of foreign countries for importation of product	
into the U.S	5177
Alien Property Office Notices: Vecht, Salomon, et al.; intention to return vested property	5203
Civil Aeronautics Board Notices: Laurentian Air Services Limited; hearing	5194
Civil and Defense Mobilization Office Notices:	
Administration director; delegation of authorityRules and regulations:	5200
Contributions for civil defense equipment Commodity Exchange Authority	5181
Rules and regulations: Grains, flaxseed, and soybeans; information shown in reports on Form 204	5180
Commodity Stabilization Service Rules and regulations: Conservation reserve program; miscellaneous amendments Sugarcane; Hawaii, 1959 crop Defense Lending Office Notices:	5169 5173
War Damage Corporation; dissolution	5192

5169



Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500; as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The Federal Register will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the Federal Register, or the Code of Federal Regulations.

CFR SUPPLEMENTS

(As of January 1, 1959)

The following supplement is now available:

Title 17 (\$0.70)

Previously announced: Title 3, 1958 Supp. (\$0.35); Titles 4–5 (\$0.50); Title 6 (\$1.75); Title 7, Parts 1–50 (\$4.00); Parts 51-52 (\$6.25); Parts 53-209 (\$5.50); Parts 210-899 (\$2.50); Parts 900-959 (\$1.50); Part 960 to end (\$2.25); Title 8 (\$0.35); Title 9 (\$4.75); Titles 10–13 (\$5.50); Title 14, Parts 1–39 (\$0.55); Parts 40-399 (\$0.55); Part 400 to end (\$1.50); Title 15 (\$1.00); Title 16 (\$1.75); Title 18 (\$0.25); Title 19 (\$0.75); Title 21 (\$1.00); Titles 22-23 (\$0.35); Title 24 (\$4.25); Title 25 (\$0.35); Title 26, Parts 1-79 (\$0.20); Parts 80-169 (\$0.20); Parts 170-182 (\$0.20); Part 300 to end, Title 27 (\$0.30); Title 26 (1954) Parts 1-19 (\$3.25); Parts 20-221 (\$3.00); Part 222 to end (\$2.75); Titles 28-29 (\$1.50); Titles 30-31 (\$3.50); Title 32, Parts 1-399 (\$1.50); Parts 400-699 (\$1.75); Parts 700-799 (\$0.70); Parts 800-1099 (\$2.50); Part 1100 to end (\$0.35); Title 32A (\$0.40); Title 33 (\$1.50); Titles 35-37 (\$1.25); Title 38 (\$0.55); Title 39 (\$0.70); Titles 40-42 (\$0.35); Title 43 (\$1.00); Titles 44-45 (\$0.60); Title 46, Parts 1-145 (\$1.00); Parts 146-149, 1958 Supp. 2 (\$1.50); Part 150 to end \$0.50); Title 47, Parts 1-29 (\$0.70); Part 30 to end (\$0.30); Title 49, Parts 1-70 (\$0.25); Parts 71-90 (\$0.70); Parts 91-164 (\$0.40); Part 165 to end (\$1.00); Title 50 (\$0.75)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

agent_

Parts and accessories necessary

for safe operation; brakes___

CONTENTS—Continued

Federal Aviation Agency Proposed rule making:	Page	j
Airworthiness directives; cer-		_
tain Wright engines	5187	
Rules and regulations: Airworthiness directives; mis-	-	į,
cellaneous amendments	5177	ន
Federal Communications Com-		L
mission		V
Notices:		
Hearings, etc.:		
Golden Gate Corp. et al	5195	
KSOO TV, Inc. (KSOO-TV) Laird Broadcasting Co., Inc.,	5197	
(KHAK) Pine Tree Telecasting Corp. (WPTT) Radio St. Croix, Inc., et al	5195	
(WPTT)	5195	N
Radio St. Croix, Inc., et al	5194	•
Proposed rule making:	-	F
Normal operation of certain additional stations without	•	
licensed operators	5188	
Railroad radio service; mobile		_
stations and relay stations	5190	S
Federal Power Commission		N
Notices:	5400	_
California; land withdrawal Hearings, etc.:	2198	S
Cities Service Gas Co	5200	N
East Tennessee Natural Gas		
Co	5199	
Murphy Corp. et al	5199	F
Federal Trade Commission		
Rules and regulations:		
Cease and desist orders:	-100	
North Berwick Co. et al Nussbaum, Howard, Inc., et	5180	Ţ
al	5179	S
Fish and Wildlife Service	•	I
Rules and regulations:		_
Migratory birds; miscellaneous		
amendments	5187	
Health, Education, and Welfare		
Department	-	_
See Social Security Administra-		p
tion.		0
Immigration and Naturaliza-		S
tion Service		t
Notices:		i
Statement of organization; mis-		n
cellaneous amendments	5203	3
Interior Department		F
See Fish and Wildlife Service;		
Land Management Bureau.		4
Interstate Commerce Commis-		4
sion		
Notices:		2 8
Fourth section applications for		8
relief Motor carrier "grandfather"	5203	9
certificate or permit; applica-		9
tions	5201	I
Proposed rule making:		_
Trains or ferries; discontinuance or change of operation		
or service	5191	2
Rules and regulations:		
Car service; movement of ores	~2	5

5186

5186

CONTENTS—Continued

CONTENTS—Continued	
Justice Department	Page
See Alien Property Office; Im-	Ū
migration and Naturalization	
Service.	
Labor Department	
See Wage and Hour Division.	j
Land Management Bureau	
Notices:	*
Contracts and leases; delega-	
tion of authority	5193
Filing of plat of survey, etc.;	
Arizona (2 documents) 5192,	5193
Proposed withdrawals and res-	·
ervations of lands:	E100
IdahoOregon	5192 5193
	OTSO
National Aeronautics and Space	•
Administration	
Rules and regulations:	
Boards and committees; con- tract disputes and appeals	5172
Contract appeal procedure	5183
Securities and Exchange Com-	0.00
mission	
Mission Notices:	
Jacobs, F. L., Co.; hearing, etc_	5201
	0201
Social Security Administration Notices:	
Foreign social insurance and	
pension system of the Philip-	
pines; findings	5194
Rules and regulations:	•
Disclosure of official records	
and information; payment for	
information in specific cases_	5181
Treasury Department	•
See Defense Lending Office.	
	•
Wage and Hour Division	•
Wage and Hour Division Rules and regulations:	•
Wage and Hour Division Rules and regulations: Fabric and leather glove in-	E101
Wage and Hour Division Rules and regulations:	5181
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates	5181
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates CODIFICATION GUIDE	
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates CODIFICATION GUIDE A numerical list of the parts of the	Code
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates. CODIFICATION GUIDE A numerical list of the parts of the of Federal Regulations affected by documents of the published in this issue. Proposed rules are the proposed rules are the proposed rules are the proposed rules.	Code ments es/as
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates. CODIFICATION GUIDE A numerical list of the parts of the of Federal Regulations affected by document published in this issue. Proposed rulicity opposed to final actions, are identifications.	Code ments es/as
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates CODIFICATION GUIDE A numerical list of the parts of the of Federal Regulations affected by document published in this issue. Proposed rul opposed to final actions, are identifisuch.	Code ments es; as ed as
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates CODIFICATION GUIDE A numerical list of the parts of the of Federal Regulations affected by document published in this issue. Proposed rul opposed to final actions, are identifisuch.	Code ments es; as ed as
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates. CODIFICATION GUIDE A numerical list of the parts of the of Federal Regulations affected by document published in this issue. Proposed rule opposed to final actions, are identified. A Cumulative Codification Guide continued the current month appears at the end of issue beginning with the second issue	Code ments es, as ed as vering
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates CODIFICATION GUIDE A numerical list of the parts of the of Federal Regulations affected by document published in this issue. Proposed rul opposed to final actions, are identifisuch.	Code ments es, as ed as vering
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates. CODIFICATION GUIDE A numerical list of the parts of the of Federal Regulations affected by document published in this issue. Proposed rule opposed to final actions, are identification. A Cumulative Codification Guide continuation of the current month appears at the end of issue beginning with the second issue of month.	Code ments es, as ed as vering
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates. CODIFICATION GUIDE A numerical list of the parts of the of Federal Regulations affected by document published in this issue. Proposed rule opposed to final actions, are identified by the current month appears at the end of issue beginning with the second issue of month. 3 CFR	Code ments es; as ed as vering f each of the
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates. CODIFICATION GUIDE A numerical list of the parts of the of Federal Regulations affected by docupublished in this issue. Proposed rul opposed to final actions, are identifissuch. A Cumulative Codification Guide conthe current month appears at the end of issue beginning with the second issue of month. 3 CFR Proclamations: June 28, 1910 (see F.R. Doc.	Code ments es; as ed as vering f each of the
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates. CODIFICATION GUIDE A numerical list of the parts of the of Federal Regulations affected by docupublished in this issue. Proposed rul opposed to final actions, are identifissuch. A Cumulative Codification Guide conthe current month appears at the end of issue beginning with the second issue of month. 3 CFR Proclamations: June 28, 1910 (see F.R. Doc.	Code ments es; as ed as vering f each of the
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates. CODIFICATION GUIDE A numerical list of the parts of the of Federal Regulations affected by document published in this issue. Proposed rules of the proposed to final actions, are identified. A Cumulative Codification Guide continuous the current month appears at the end of issue beginning with the second issue of month. 3 CFR Proclamations: June 28, 1910 (see F.R. Doc. 59-5246)	Code ments es, as ed as vering f each of the
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates. CODIFICATION GUIDE A numerical list of the parts of the of Federal Regulations affected by document published in this issue. Proposed rule opposed to final actions, are identified. A Cumulative Codification Guide conthe current month appears at the end of issue beginning with the second issue month. 3 CFR Proclamations: June 28, 1910 (see F.R. Doc. 59-5246)	Code ments es, as ed as vering f each of the Page
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates. CODIFICATION GUIDE A numerical list of the parts of the of Federal Regulations affected by document published in this issue. Proposed rule opposed to final actions, are identification. A Cumulative Codification Guide continuous the current month appears at the end of issue beginning with the second issue of month. 3 CFR Proclamations: June 28, 1910 (see F.R. Doc. 59-5246)	Code ments es, as ed as vering f each of the
Rules and regulations: Fabric and leather glove industry; minimum price rates. CODIFICATION GUIDE A numerical list of the parts of the of Federal Regulations affected by document published in this issue. Proposed rule opposed to final actions, are identified by the current month appears at the end of issue beginning with the second issue of month. 3 CFR Proclamations: June 28, 1910 (see F.R. Doc. 59-5246) 6 CFR	Code ments es, as ed as vering f each of the Page 5193
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates. CODIFICATION GUIDE A numerical list of the parts of the of Federal Regulations affected by document published in this issue. Proposed rule opposed to final actions, are identificated. A Cumulative Codification Guide continuous to the current month appears at the end of issue beginning with the second issue of month. 3 CFR Proclamations: June 28, 1910 (see F.R. Doc. 59-5246) 6 CFR 485 7 CFR	Code ments es, as ed as vering f each of the Page 5193 5169
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates. CODIFICATION GUIDE A numerical list of the parts of the of Federal Regulations affected by document published in this issue. Proposed rules of the current month appears at the endoussue beginning with the second issue of month. 3 CFR Proclamations: June 28, 1910 (see F.R. Doc. 59-5246) 6 CFR 485	Code ments es, as ed as vering f each of the Page 5193 5169 5169 5173
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates. CODIFICATION GUIDE A numerical list of the parts of the of Federal Regulations affected by document of the published in this issue. Proposed rules of the current month actions, are identified by the current month appears at the end of issue beginning with the second issue of month. 3 CFR Proclamations: June 28, 1910 (see F.R. Doc. 59-5246) 6 CFR 485 7 CFR 28	Code ments es, as ed as vering c each of the Page 5193 5169 5173 5175
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates. CODIFICATION GUIDE A numerical list of the parts of the of Federal Regulations affected by document published in this issue. Proposed rules of the current month actions, are identified by the current month appears at the end of issue beginning with the second issue of month. 3 CFR Proclamations: June 28, 1910 (see F.R. Doc. 59-5246) 6 CFR 485 7 CFR 28 876 927 937 Proposed rules:	Code ments es, as ed as vering f each of the Page 5193 5169 5169 5173
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates. CODIFICATION GUIDE A numerical list of the parts of the of Federal Regulations affected by document of the published in this issue. Proposed rule opposed to final actions, are identified by the current month appears at the end of issue beginning with the second issue of month. 3 CFR Proclamations: June 28, 1910 (see F.R. Doc. 59-5246) 6 CFR 485 7 CFR 28 876 927	Code ments es, as ed as vering c each of the Page 5193 5169 5173 5175
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates. CODIFICATION GUIDE A numerical list of the parts of the of Federal Regulations affected by document of the published in this issue. Proposed rules of the current month actions, are identified by the current month appears at the end of issue beginning with the second issue of month. 3 CFR Proclamations: June 28, 1910 (see F.R. Doc. 59-5246) 6 CFR 485 7 CFR 28 876 927 937 Proposed rules: 53	Code ments es, as ed as vering f each of the Page 5193 5169 5173 5175 5176
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates. CODIFICATION GUIDE A numerical list of the parts of the of Federal Regulations affected by document of the published in this issue. Proposed rules of the current month actions, are identified by the current month appears at the end of issue beginning with the second issue of month. 3 CFR Proclamations: June 28, 1910 (see F.R. Doc. 59-5246) 6 CFR 485 7 CFR 28 876 927 937 Proposed rules: 53 9 CFR	Code ments es, as ed as vering (each of the Page 5193 5169 5173 5175 5176 5187
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates. CODIFICATION GUIDE A numerical list of the parts of the of Federal Regulations affected by document published in this issue. Proposed rules of the current month actions, are identified by the current month appears at the end of issue beginning with the second issue of month. 3 CFR Proclamations: June 28, 1910 (see F.R. Doc. 59-5246) 6 CFR 485 7 CFR 28 876 927 937 Proposed rules: 53 9 CFR	Code ments es, as ed as vering f each of the Page 5193 5169 5173 5175 5176
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates. CODIFICATION GUIDE A numerical list of the parts of the of Federal Regulations affected by document of the published in this issue. Proposed rules of the current month actions, are identified to the current month appears at the end of issue beginning with the second issue of month. 3 CFR Proclamations: June 28, 1910 (see F.R. Doc. 59-5246) 6 CFR 485 7 CFR 28 876 927 937 Proposed rules: 53 9 CFR 27 14 CFR	Code ments es, as ed as vering (each of the Page 5193 5169 5173 5175 5176 5187
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates. CODIFICATION GUIDE A numerical list of the parts of the of Federal Regulations affected by document of the published in this issue. Proposed rules of the current month actions, are identified to the current month appears at the end of issue beginning with the second issue of month. 3 CFR Proclamations: June 28, 1910 (see F.R. Doc. 59-5246) 6 CFR 485 7 CFR 28 876 927 937 Proposed rules: 53 9 CFR 27 14 CFR 507	Code ments es, as ed as vering f each of the Page 5193 5169 5169 5177 5177
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates. CODIFICATION GUIDE A numerical list of the parts of the of Federal Regulations affected by document of the published in this issue. Proposed rules of the current month actions, are identified by the current month appears at the end of issue beginning with the second issue of month. 3 CFR Proclamations: June 28, 1910 (see F.R. Doc. 59-5246) 6 CFR 485 7 CFR 28 876 927 937 Proposed rules: 53 9 CFR 27 14 CFR 507 1209	Code ments es/ as ed as ed as vering f each of the Page 5193 5169 5173 5175 5176 5187 5177 5178
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates. CODIFICATION GUIDE A numerical list of the parts of the of Federal Regulations affected by document published in this issue. Proposed rules of the current month appears at the end of issue beginning with the second issue of month. 3 CFR Proclamations: June 28, 1910 (see F.R. Doc. 59-5246) 6 CFR 485 7 CFR 28 876 927 937 Proposed rules: 53 9 CFR 27 14 CFR 507 1209 1220	Code ments es, as ed as vering f each of the Page 5193 5169 5169 5177 5177
Wage and Hour Division Rules and regulations: Fabric and leather glove industry; minimum price rates. CODIFICATION GUIDE A numerical list of the parts of the of Federal Regulations affected by document of the published in this issue. Proposed rules of the current month actions, are identified by the current month appears at the end of issue beginning with the second issue of month. 3 CFR Proclamations: June 28, 1910 (see F.R. Doc. 59-5246) 6 CFR 485 7 CFR 28 876 927 937 Proposed rules: 53 9 CFR 27 14 CFR 507 1209	Code ments es, as ed as vering f each of the Page 5193 5175 5176 5187 5177 5178 5178

CODIFICATION GUIDE-Con.

16 CFR	Page
13 (2 documents) 5179,	5180
17 CFR	
2	5180
20 CFR	
	5181
401	9101
29 CFR	
545	5181
32 CFR	
1701	5181
41 CFR	
18-60	5183
47 CFR	
Proposed rules:	
11	5188
16 (2 documents) 5188	
21	5188
49 CFR	
95	5186
193	5186
Proposed rules:	0_00
43	5191
	0101
50 CFR	
6	5187

The amended Official Cotton Standards of the United States for Grade of American Upland Cotton, as hereinafter set forth, incorporate the following changes to be effective on and after August 1, 1960:

1. New descriptive standards for Plus cotton in the White grades Middling through Good Ordinary.

2. New descriptive standards for Light Spotted cotton in the grades Good Middling Light Spotted through Low Middling Light Spotted.

3. New physical standards for Spotted cotton in the grades Strict Middling Spotted through Low Middling Spotted to replace the present descriptive standards for these grades. Good Middling Spotted will continue to be a descriptive standard.

4. New descriptive standards for Light Gray cotton in the grades Good Middling Light Gray through Strict Low Middling Light Gray.

5. Redefined descriptive standards for Gray cotton in the grades Good Middling Gray through Strict Low Middling Gray.

6. A procedure for describing below grade cotton in cotton classification.

For the purposes of the aforesaid acts and pursuant to the authority contained therein, and after consideration of all relevant written and oral data, views, and arguments presented pursuant to the notice, including those presented by delegates and cotton industry groups at the 1959 Universal Cotton Standards Conference, said standards are hereby amended to read as follows, effective on and after August 1, 1960:

WHITE COTTON

Sec.	_
28.401	Strict Good Middling.
28.402	Good Middling.
28.403	Strict Middling.
28.404	Middling Plus.
28.405	Middling.

Sec.	
28.406	Strict Low Middling Plus.
28.407	Strict Low Middling.
28.408	Low Middling Plus.
28.409	Low Middling.
28.410	Strict Good Ordinary Plus.
28.411	Strict Good Ordinary.
28.412	Good Ordinary Plus.
28.413	Good Ordinary.

LIGHT SPOTTED COTTON

28.420 Good Middling Light Spotted.
28.421 Strict Middling Light Spotted.
28.422 Middling Light Spotted.
28.423 Strict Low Middling Light Spotted.
28.424 Low Middling Light Spotted.

SPOTTED COTTON

28.430	Good Middling Spotted.
28.431	Strict Middling Spotted.
28.432	Middling Spotted.
28.433	Strict Low Middling Spotted
28,434	Low Middling Spotted.

TINGED COTTON

YELLOW STAINED COTTON

28.451	Good Middling Yellow Stained. Strict Middling Yellow Stained. Middling Yellow Stained.
--------	--

LIGHT GRAY COTTON

28.460	Good Middling Light Gray.
28.461	Strict Middling Light Gray.
28.462	Middling Light Gray.
28 463	Strict Low Middling Light Gray

GRAY COTTON

28,470	Good Middling Gray.
28.471	Strict Middling Gray.
28.472	Middling Gray.
28.473	Strict Low Middling Gra

BELOW GRADE COTTON

28.475 Below Grade Cotton.

GENERAL

28.480 General. 28.481 Alternate title for standards.

AUTHORITY: §§ 28.401 to 28.481 issued under sec. 10, 42 Stat. 1519; 7 U.S.C. 61. Interpret or apply sec. 6, 42 Stat. 1518, as amended, sec. 4854, 68A Stat. 580; 7 U.S.C. 56, 26 U.S.C. 4854.

WHITE COTTON

§ 28.401 Strict Good Middling.

Strict Good Middling is American upland cotton which in color, leaf and preparation is better than Good Middling.

§ 28.402 Good Middling.

Good Middling is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Good Middling, effective August 1, 1954."

§ 28.403 Strict Middling.

Strict Middling is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a con-

tainer marked "Original Official Cotton Standards of the United States, American Upland, Strict Middling, effective August 15, 1953."

§ 28.404 Middling Plus.

Middling Plus is American upland cotton which is Middling in leaf and preparation with Strict Middling color.

§ 28.405 Middling.

Middling is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Middling, effective August 15, 1953."

§ 28.406 Strict Low Middling Plus.

Strict Low Middling Plus is American upland cotton which is Strict Low Middling in leaf and preparation with Middling color.

§ 28.407 Strict Low Middling.

Strict Low Middling is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Low Middling, effective August 15, 1953."

§ 28.408 Low Middling Plus.

Low Middling Plus is American upland cotton which is Low Middling in leaf and preparation with Strict Low Middling color.

§ 28.409 Low Middling.

Low Middling is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Low Middling, effective August 15, 1953."

§ 28.410 Strict Good Ordinary Plus.

Strict Good Ordinary Plus is American upland cotton which is Strict Good Ordinary in leaf and preparation with Low Middling color.

§ 28.411 Strict Good Ordinary.

Strict Good Ordinary is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Good Ordinary, effective August 15, 1953."

§ 28.412 Good Ordinary Plus.

Good Ordinary Plus is American upland cotton which is Good Ordinary in leaf and preparation with Strict Good Ordinary color.

§ 28.413 Good Ordinary.

Good Ordinary is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Good Ordinary, effective August 15, 1953."

LIGHT SPOTTED COTTON

§ 28.420 Good Middling Light Spotted.

Good Middling Light Spotted is American upland cotton which in leaf and preparation is Good Middling, but which in spot or color, or both, is between Good Middling and Good Middling Spotted.

§ 28.421 Strict Middling Light Spotted.

Strict Middling Light Spotted is American upland cotton which in leaf and preparation is Strict Middling, but which in spot or color, or both, is between Strict Middling and Strict Middling Spotted.

§ 28.422 Middling Light Spotted.

Middling Light Spotted is American upland cotton which in leaf and preparation is Middling, but which in spot or color, or both, is between Middling and Middling Spotted.

§ 28.423 Strict Low Middling Light Spotted.

Strict Low Middling Light Spotted is American upland cotton which in leaf and preparation is Strict Low Middling, but which in spot or color, or both, is between Strict Low Middling and Strict Low Middling Spotted.

§ 28.424 Low Middling Light Spotted.

Low Middling Light Spotted is American upland cotton which in leaf and preparation is Low Middling, but which in spot or color, or both, is between Low Middling and Low Middling Spotted.

SPOTTED COTTON

§ 28.430 Good Middling Spotted.

Good Middling Spotted is American upland cotton which in color, leaf, and preparation is better than Strict Middling Spotted.

§ 28.431 Strict Middling Spotted.

Strict Middling Spotted is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Middling Spotted, effective August 1, 1960."

§ 28.432 Middling Spotted.

Middling Spotted is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, Ameri-

can Upland, Middling Spotted, effective August 1, 1960."

§ 28.433 Strict Low Middling Spotted.

Strict Low Middling Spotted is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Low Middling Spotted, effective August 1, 1960."

§ 28.434 Low Middling Spotted.

Low Middling Spotted is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Low Middling Spotted, effective August 1, 1960."

TINGED COTTON

§ 28.440 Good Middling Tinged.

Good Middling Tinged is American upland cotton which in color, leaf, and preparation is better than Strict Middling Tinged.

§ 28.441 Strict Middling Tinged.

Strict Middling Tinged is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Middling Tinged, effective August 15, 1953."

§ 28.442 Middling Tinged.

Middling Tinged is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Middling Tinged, effective August 15, 1953."

§ 28.443 Strict Low Middling Tinged.

Strict Low Middling Tinged is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Low Middling Tinged, effective August 15, 1953."

§ 28.444 Low Middling Tinged.

Low Middling Tinged is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official

Cotton Standards of the United States, American Upland, Low Middling Tinged, effective August 15, 1953."

YELLOW STAINED COTTON

§ 28.450 Good Middling Yellow Stained.

Good Middling Yellow Stained is American upland cotton which in leaf and preparation is Good Middling Tinged, but which in color is deeper than Good Middling Tinged.

§ 28.451 Strict Middling Yellow Stained.

Strict Middling Yellow Stained is American upland cotton which in leaf and preparation is Strict Middling Tinged, but which in color is deeper than Strict Middling Tinged.

§ 28.452 Middling Yellow Stained.

Middling Yellow Stained is American upland cotton which in leaf and preparation is Middling Tinged, but which in color is deeper than Middling Tinged.

LIGHT GRAY COTTON

§ 28.460 Good Middling Light Gray.

Good Middling Light Gray is American upland cotton which in color is Middling and which in leaf and preparation is Good Middling.

§ 28.461 Strict Middling Light Gray.

Strict Middling Light Gray is American upland cotton which in color is Strict Low Middling and which in leaf and preparation is Strict Middling.

§ 28.462 Middling Light Gray.

Middling Light Gray is American upland cotton which in color is Low Middling and which in leaf and preparation is Middling.

§ 28.463 Strict Low Middling Light Gray.

Strict Low Middling Light Gray is American upland cotton which in color is Strict Good Ordinary and which in leaf and preparation is Strict Low Middling.

GRAY COTTON

§ 28.470 Good Middling Gray.

Good Middling Gray is American upland cotton which in color is Strict Low Middling and which in leaf and preparation is Good Middling or better.

§ 28.471 Strict Middling Gray.

Strict Middling Gray is American upland cotton which in color is Low Middling and which in leaf and preparation is Strict Middling or better.

§ 28.472 Middling Gray.

Middling Gray is American upland cotton which in color is Strict Good Ordinary and which in leaf and preparation is Middling or better.

§ 28.473 Strict Low Middling Gray.

Strict Low Middling Gray is American upland cotton which in color is Good Ordinary and which in leaf and preparation is Strict Low Middling or better.

BELOW GRADE COTTON

§ 28.475 Below Grade Cotton.

Below Grade cotton is American upland cotton which is lower in grade

than Good Ordinary, or Low Middling Light Spotted, or Low Middling Spotted, or Low Middling Spotted, or Low Middling Tinged, or Middling Yellow Stained, or Strict Low Middling Gray. In cotton classification, the official designation for such cotton is Below Grade. The term Below Good Ordinary, or Below Low Middling Light Spotted, or Below Low Middling Spotted, or Below Low Middling Tinged, or Below Middling Yellow Stained, or Below Strict Low Middling Gray may be entered in the remarks space on classification memorandums or certificates as an additional explanatory description.

GENERAL

§ 28.480 General.

American upland cotton which in color. leaf, and preparation is within the range of the standards established in this part, but which contains a combination of color, leaf, and preparation not within any one of the standards set out in this part, shall be designated according to the standard which is equivalent to, or if there be no exact equivalent is next below, the average of all the factors that determine the grade of the cotton: Provided, That in no event shall the grade assigned to any cotton or sample be more than one grade higher than the grade classification of the color or leaf contained therein.

§ 28.481 Alternate title for standards.

Since these standards have been agreed upon and accepted by the leading European cotton associations and exchanges, they may also be termed and referred to as the "Universal Standards for American Cotton."

Done at Washington, D.C., this 22d day of June 1959.

ROY W. LENNARTSON, Deputy Administrator, Agricultural Marketing Service.

[F.R. Doc. 59-5275; Filed, June 24, 1959; 8:52 a.m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES
[Sugar Determination 876.11]

PART 876—SUGARCANE; HAWAII 1959 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence obtained at the public hearing held in Hilo, Hawaii, on December 12, 1958, the following determination is hereby issued:

§ 876.11 Fair and reasonable prices for the 1959 crop of Hawaiian sugarcape.

A producer of sugarcane in Hawaii who is also a processor of sugarcane (herein referred to as "processor") shall have paid, or contracted to pay, for sugarcane of the 1959 crop grown by

other producers and processed by him, or shall have processed sugarcane of other producers under a toll agreement, in accordance with the following requirements:

(a) Toll agreements. (1) The rate for processing sugarcane under a toll agreement at Olokele Sugar Company, Ltd., and Kekaha Sugar Company, Ltd., shall be not more than the rate provided in the agreement between the producer and the processor applicable to the 1958 crop.

(2) (i) The rate for processing sugarcane delivered by a producer under a toll agreement to those processors listed below shall be not more than that established for each such processor.

Processor	Rate for process- ing	Delivery point
Olaa Sugar Co., Ltd	Percent 36 33 45 45 45 45 45 45 45 45 45	Mill. Do. Loaded in trucks. Do.! Do.! Do.! Do.! Do. Do. Do. Do.

¹ Where flumes are used to transport sugarcane from the field to the mill, the delivery point shall be alongside flume.

(ii) The gross proceeds from sugar and molasses shall be determined in accordance with the Standard Sugar Marketing Contract and the Standard Molasses Marketing Contract entered into by the producer, or his agent, with the California and Hawaiian Sugar Refining Corporation, Ltd. (a cooperative agricultural marketing association herein referred to as C&H): Provided, That the gross proceeds so determined to be applicable to the sugar and molasses recovered from the sugarcane of the producer shall be converted to dollars per hundredweight of sugar, raw value basis, for the purpose of applying the rate for processing.

(iii) The applicable rate for processing established in the subparagraph for sugarcane of the producer shall cover (a) all transporting, handling, and processing costs applicable to the producers' sugarcane from the delivery point specified herein until the raw sugar and molasses recovered therefrom leaves the bulk sugar bin or the molasses tank of the processor, except those costs incurred for insuring such raw sugar and molasses while stored therein; (b) the cost of insuring such sugarcane against loss by fire to the same extent that sugarcane of the processor is insured; (c) the costs of weighing, sampling, and taring such sugarcane; (d) the cost of general weed and rodent control other than in the sugarcane fields of producers and alongside the roads adjacent thereto; (e) the cost of all research and experimental work applicable to the production and processing of such sugarcane; and (f) in the case of Hilo Sugar Company, Ltd., Onomea Sugar Company, Pepeekeo Sugar Company, and Hakalau Sugar Company, Ltd., if sugarcane of the producer

is cut by hand because equipment was not available to mechanically harvest his sugarcane, and the Supplement to the Processing and Agency Contract between the processor and such producer is applicable to such sugarcane, the rate for processing shall also cover the additional costs of handling and transporting the sugarcane as provided by such Supplement.

(iv) The sugarcane received from producers shall be handled and processed by the processor in a manner which is no less favorable than the handling and processing of the sugarcane of the processor. The processor, in acting as agent of the producer, shall handle and deliver to C&H the raw sugar and molasses recovered from the sugarcane of the producer in a manner which is no less favorable than the handling and delivery to C&H of the raw sugar and molasses recovered from the sugarcane of the processor. The processor shall promptly transmit to the producer the amount of gross proceeds received for the sugar and molasses recovered from the sugarcane of the producer, less the applicable processing rate, and less the expenses paid by the processor, as agent for the producer, pursuant to the toll agreement. Handling and delivery expenses shall be limited to those direct expenses paid by the processor as agent for the producer, but shall not include overhead charges of the processor.

(b) Purchase agreements. (1) The price for sugarcane under adherent planter agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the 1958 crop.

(2) The price for sugarcane under independent grower purchase agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the 1958 crop: Provided, That the items of expense which may be deducted in computing net returns for the 1959 crop shall be limited to the same items as for the 1958 crop, except that if the processor incurs handling and delivery expenses otherwise allowable under the agreement and which are incurred under abnormal conditions which the Director, Hawaiian Area Agricultural Stabilization and Conservation Office, Honolulu, Hawaii (herein referred to as "Director of the Area Office"), determines justify the incurrence of such expenses, such expenses also may be deducted.

(c) Sugarcane trash and quality determination. The processor shall determine the net weight and quality of the sugarcane received from the producer and allocate sugar and molasses recoveries to the producer in accordance with methods customarily used by the processor, or as may be agreed upon between the processor and the producer, which will reflect the true weight, quality, and quantities of sugar and molasses recovered from the sugarcane of the producer.

(d) Overhead charges for services furnished producers. If the processor, at the producer's request, furnishes labor, materials, or services used in producing,

harvesting, and transporting the producer's sugarcane, or transports the producer's sugar or molasses from the mill to the port in the processor's own equipment, the processor may charge in addition to the direct costs of such labor. materials, or services, the applicable overhead expenses. Charges for such overhead expenses shall be based either (1) on the actual ratio of overhead to direct costs applicable during the calendar year 1957, or (2) on estimated current budgets, but the charges based upon such budgets shall be adjusted after the end of the calendar year so as not to exceed the actual costs for such year. In addition, the processor may also charge a profit not to exceed 5 percent of the sum of the direct and overhead charges for such labor, materials, or services. Overhead expenses shall be limited to those which are properly apportionable under generally accepted accounting principles, as approved by the Director of the Area Office.

Reporting requirements. The (e) processor shall submit to the Director of the Area Office a certified statement of the gross proceeds and handling and delivery expenses paid under (1) purchase agreements providing for payment for sugarcane based upon net returns from sugar and molasses, and (2) toll and agency agreements providing for the deduction of handling and delivery expenses on sugar and molasses from the gross proceeds obtained therefrom.

(f) Subterfuge. The processor shall not reduce returns to the producer below those determined in accordance with the requirements herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) General. The foregoing determination establishes the fair and reasonable rate requirements which must be met, as one of the conditions for payments under the act, by a producer who processes sugarcane of the 1959 crop grown by other producers.

(b) Requirements of the act. Section 301(c)(2) of the act provides, as a condition for payment, that the producer on the farm who is also, directly or indirectly, a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) Public hearing. A representative of the processors stated that the industry instituted negotiations early in 1958 with Matson Navigation Company resulting in the new Freight Tariff No. 12, effective December 3, 1958, providing for a rate of \$6.09 per ton of sugar (subject to periodic adjustment) shipped to the west coast compared with the prior rate of \$10.35. Since the tariff includes escalator clauses the rate will fluctuate depending upon changes in costs of fuel oil, vessel manning, and discharge stevedoring. The cost of loading sugar on vessels was included in the old freight the loading cost. He pointed out that the new "Sugar Freighting Agreement" provides for a method of uniform shipments of sugar throughout the year resulting in better utilization of ships. He stated that the burden of scheduling shipments and handling and loading of sugar, had been placed upon the processors with penalties for failure to make sugar available and for delays in loading the sugar. The net savings in freight costs to producers were estimated at about \$2.45 per ton of raw sugar, based upon a crop of 1.1 million tons of which about 30 percent would be shipped to Gulf or Eastern seaboard refineries. This estimate assumed no change in freight costs to such refineries.

The Kohala Sugar Company; The representative of this company recommended that the provisions of the 1958 determination be continued for the 1959 crop. He stated that the 30 percent processing rate established by the 1957 and 1958 determinations had not been applied since the Company had contracted with producers through the 1959 crop at a lower rate. He pointed out that the reduction in the ocean freight rate on raw sugar and the repeal of the 3 percent Federal transportation tax on the hauling of sugarcane, sugar, and molasses would result in important savings to producers. He stated that upon completion of the new shipping facilities at Kawaihae harbor during the year 1959, raw sugar and molasses would be shipped through this port instead of through the Hilo port and that additional savings would result because of the shorter overland haul.

Laupahoehoe Sugar Company: The representative of this company recommended that the processing rate be increased to 45 percent for the 1959 crop and that other provisions of the 1958 determination be continued. He stated that during . 1958 the conversion to mechanical harvesting of sugarcane had been almost completed and that for 1959 this would cause producers' field costs to be a lower proportion of the total costs of producing and processing sugarcane, This situation combined with the reduction in ocean freight would justify an increase in the processing rate for the 1959 crop.

C. Brewer and Company, (representing Hilo Sugar Company, Ltd., Onomea Sugar Company, Pepeekeo Sugar Company, Hakalau Sugar Company, Ltd., Paauhau Sugar Company, Ltd., Hawaiian Agricultural Company, and Hutchinson Sugar Company, Ltd.). The representative of these companies recommended that the price factors provided in the 1958 determination for independent producer purchase agreements at Hilo Sugar Company, Limited, Hakalau Sugar Company, Limited, and Hawaiian Agricultural Company be continued for the 1959 crop; that a processing rate of 45 percent be established for the 1959 crop under toll agreements for all of these processors; and that in addition to direct costs of labor, materials, and services furnished to producers by processsors, overhead expenses as used in budgets for internal cost control and apportionable under generally accepted accounting rate but the new rate does not include principles be charged to producers, but

that such budgeted costs be adjusted to actual costs if by so doing the aggregate annual billings to producers as a group would be revised by more than 3 percent.

The representatives of producers at Hilo Sugar Company, Ltd., Onomea Sugar Company, Pepeekeo Sugar Company, and Hakalau Sugar Company, Ltd., again recommended that the delivery point for 1959 crop sugarcane be "alongside flumes. at slings, and at windrows" and that no profit margin be allowed processors on services furnished to producers. The witness stated that producers had signed toll agreements with the processors for the 1959 crop although the rate for processing had not been agreed upon. The witness discussed the problems resulting from mechanical harvesting, such as higher replanting costs. He indicated that producers believed that a better relationship would result if they participated with the processor in developing the harvesting schedule.

Olaa Sugar Company: The representative of this company recommended a processing rate of 38.75 percent for the 1959 crop in lieu of the 33 percent rate provided in the determination for the prior crop. He indicated that reductions in producers' costs would occur in 1959 which would justify an increase in the processing rate. He referred to the following factors: (1) the producers' sugarcane would be more mature, thereby increasing yields of sugar per acre and lowering unit costs, and (2) the savings to producers resulting from a lower ocean freight rate on sugar and the repeal of the Federal transportation tax of 3 percent which applied to ocean transportation and to the hauling of producers' sugarcane to the mill. witness stated that more than one-half million dollars had been expended on capital improvements and replacements in 1957 and 1958 in an effort to reduce milling costs and improve sugar recoverability and that additional improvements to the processing facilities were contemplated for 1959. He stated that capital expenditures made in 1957 resulted in some improvement in milling costs. However, he pointed out that because of the four months' strike in 1958 abnormal costs were incurred and in view of this the company used 1957 costs instead of 1958 costs in estimating 1959 costs.

The representative of producers at Olaa again recommended that the delivery point for producers' sugarcane be in trucks and that the 5 percent profit on labor, materials, and services be discontinued. The witness submitted two exhibits summarizing producers' costs of sugarcane which indicated that substantial losses had been sustained by producers in 1956, 1957, and 1958. He pointed out that producers were experiencing difficulty in financing their crops through the bank.

(d) 1959 price determination. determination differs from the 1958 determination in the following principal respects: (1) The rates established for processing 'sugarcane of independent producers are 3 percentage points higher than those in effect for the prior crop; (2) administrative overhead of the processor is specifically excluded as an element of marketing expenses in the handling and delivering of the producers' sugar and molasses pursuant to the toll and agency agreement; (3) overhead charges applicable to labor, materials, and services furnished by the processor to producers at their request may be based either on the actual ratio of overhead to direct costs applicable during the calendar year 1957 or on current budget estimates, but in the latter case, adjusted to actual costs after the end of the year; and (4) the provision relating to the processors' cost responsibility for general weed and rodent control is more specific.

Consideration has been given to the recommendations and the information submitted at the public hearing; to supplemental briefs filed since the hearing; and to an analysis of returns, costs, and profits of producing and processing sugarcane obtained by the Department in a field study during 1958. The cost data of processors and independent producers for the 1957 crop were recast in terms of prospective conditions for the 1959 crop.

The principal factor warranting an increase in the rates for processing is the indicated reduction in producers' raw sugar marketing costs resulting, from lower freight rates on shipments to the west coast. Changes in costs have also occurred as a result of increased mechanical harvesting which have had the effect generally of decreasing harvesting costs, but increasing cane transportation and processing costs. These and other changes in cost relationships on the average tend to reduce the producers' share and increase the processors' share of the aggregate costs of producing and processing sugarcane.

The_rates for processing established for Laupahoehoe Sugar Company and the companies represented by C. Brewer and Company conform to the recommendations made by these processors at the hearing. The rate established for Olaa Sugar Company is not as high as that recommended by the processor. The economic position of neither this processor nor the producers in the mill area has been favorable in recent years. However, substantial capital improvements were made in 1957 and 1958 which resulted in some improvement in milling efficiency and lower processing costs. Additional capital expenditures are contemplated in 1959 to further improve milling operations. The effect of these improvements cannot be fully appraised but it is expected that producers will benefit from the increased extraction efficiency and the processor from this factor and from reduced processing costs. The processing rate for Kohala Sugar Company has also been increased 3 percentage points in line with that of other processors, although it is recognized that this company has contractual obligations with producers to charge a lower rate for processing the 1959 crop.

The 1958 determination permitted the processor to base the computation of overhead on the direct costs of labor, materials, and services for that year or on the actual ratio of overhead to direct costs applicable during the preceding

calendar year. Since the year 1958 was an abnormal year because of the four months' strike, the processor is not permitted to use the 1958 overhead cost ratio as a basis for charging overhead in 1959, but he may use the actual ratio of overhead to direct costs applicable during 1957. However, the processor has the option of using estimated current budgets in making overhead charges, but in such case he is required to adjust such charges after the end of the year to reflect the actual relationship of overhead to direct costs for the current year. The recommendation of the representative of C. Brewer and Company for a 3 percent tolerance before adjusting from budget estimates to actual costs has not been adopted, although it is recognized that the proposal has merit from the standpoint of the expense involved in making the adjustments. On the other hand, since the aggregate of direct and overhead charges represents such a substantial part of the producers' total costs of production, problems of equity would be inherent in the use of the tolerance as recommended.

This determination provides that administrative overhead incurred by the processor, while acting as agent of the producer, in the handling and delivery of the processors' sugar and molasses may not be charged to the producer as part of marketing expenses. This will result in greater uniformity since most processors heretofore have not charged administrative overhead in connection with the handling and delivering of producers' sugar and molasses. It is recognized that with marketing bearing no share of overhead, the total of such charges sustained by the processor must be apportioned to his remaining activities (i.e., all those other than marketing).

On the basis of an analysis and consideration of all the pertinent factors involved, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929 as amended; 7 U.S.C. 1131)

Issued this 22d day of June 1959.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F.R. Doc. 59-5259; Filed, June 24, 1959; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture (Milk Order 27)

PART 927—MILK IN NEW YORK-NEW JERSEY MILK MARKETING AREA

Subpart—Classification and Accounting Rules and Regulations

TEMPORARY AMENDMENTS

The amendment issued effective April 1, 1959 (24 F.R. 2394) to the order regu-

lating the handling of milk in the New York-New Jersey milk marketing area (7 CFR Part 927), in effect, constituted an amendment to the accounting rules and regulations (7 CFR 927.100 et seq.) heretofore issued by the Market Administrator with respect to milk which must be accounted for under said order and which is shipped to or received from plants under the order (7 CFR Part 1019) regulating the handling of milk in the Connecticut marketing area. The incorporation of this amendment into the rules and regulations issued by the Market Administrator requires a redrafting of § 927.202 of the rules and regulations.

Pursuant to provisions of § 927.36 of said Order No. 27, as amended, there is set forth below a temporary amendment to the accounting rules and regulations, subject to the approval of the Secretary of Agriculture, which is a recodification of the specified section of the rules and regulations. The amendment provides no substantive change from the previous rules and regulations issued by the Market Administrator except to the extent that such rules and regulations were automatically changed by the said amendment to the order.

The temporary amendment is as follows:

- 1. Amend § 927.202 by deleting paragraphs (b) through (f), renumbering paragraphs (g) to (p), and by adding new paragraphs (b) through (o) to read as follows:
- (b) If the plant is not a pool plant pursuant to § 927.25 or § 927.28, butterfat in milk received directly from dairy farmers in an amount sufficient to qualify such plant as a pool plant pursuant to paragraph (a) or (b) of § 927.29 shall be assigned to Class I-A milk leaving the plant which is distributed to outlets which are not other plants, except in the case where, pursuant to § 927.35(a)(1), a handler has elected not to make such assignment: Provided, That plants listed by the Market Administrator pursuant to § 927.14 or § 927.15 can assign such milk only to the extent that Class I-A butterfat exceeds the butterfat in milk received from other pool plants.
- (c) After the assignment pursuant to paragraph (b) of this section, butterfat in milk from plants listed in § 227.35(a) (2) (including this plant if so listed) shall be assigned as far as possible to Class I-A butterfat.
- (d) After the assignment pursuant to paragraph (c) of this section, at the option of the handler, butterfat in milk from other sources shall be assigned to Class I-A if such assignment makes the plant source of such milk a pool plant.
- (e) After the assignment pursuant to paragraph (d) of this section, the total remaining butterfat from all pool plants (including this plant) shall be assigned as far as possible first to Class I-A and then to Class II.
- (f) After the assignment pursuant to paragraph (e) of this section, if the plant is a pool plant, butterfat in receipts of milk classified and priced under Part 1019 of this chapter shall be assigned as far as possible to any Class I-B milk which is based upon delivery

to a plant or a purchaser in the marketing area defined under Part 1019 of this chapter, or to a pool plant pursuant

to such part.

(g) After the assignments pursuant to the preceding paragraphs of this section, the remaining butterfat in pool milk shall be assigned as far as possible to any Class I-B milk which is based upon delivery to a plant or a purchaser in the marketing area defined under Part 1019 of this chapter, or to a pool plant pursuant to such part.

(h) After the assignment pursuant to paragraph (g) of this section, butterfat in milk pooled and priced under Part 1019 of this chapter shall be assigned as far as possible pro rata to all remain-

ing classes except Class I-B.

(i) After the assignment pursuant to paragraph (h) of this section, butterfat in other nonpool milk shall be assigned pro rata to the remaining classes of butterfat.

(j) After the assignment pursuant to paragraph (i) of this section, classes of butterfat remaining may be interchanged with classes of butterfat remaining after the assignments pursuant to §§ 927.200(b), 927.201(b), and 927.204(b), which are based on the products covered by § 927.170.

(k) Butterfat in milk received from producers and from handler's own farm, which is excluded from the computation of the handler's net pool obligation pursuant to § 927.65(h) (1) or (2), respectively shall be assigned prorata to the classification of pool milk in the plant after first assigning all milks

the plant after first assigning all milk from other pool plants to Class I.-A.

(1) Butterfat in the form of milk received from the plant of another handler at which milk is received from farms which is excluded from the computation of the handler's net pool obligation pursuant to § 927.65(h) (1) or (2), shall be assigned pro rata to Class III not subject to the butter-cheese adjustment and Class III subject to the butter-cheese adjustment, to which pool milk (including such excluded milk) has been assigned. Any rémaining butterfat in such milk shall be assigned, to the extent possible, to butterfat in other classes of pool milk in the following sequence: (1) Class II; (2) Class I-B; and (3) Class I-A.

(m) For purposes of this section, milk received from a handler listed as a producer-handler pursuant to § 927.15 shall be considered to be nonpool milk except to the extent that § 927.35(a) (5) provides a different method of accounting.

(n) Butterfat in pool milk which has been classified at the shipping plant in accordance with § 927.33 of the order shall to the extent possible be assigned to butter fat classes of pool milk in the following sequence: (1) To the same class of butterfat; (2) pro rata to remaining classes of butterfat except Class I—A and Class II; (3) to Class I—A; and (4) to Class II.

(o) Where more than one source of butterfat may be assigned pursuant to this section or where no assignment has been specifically prescribed, a particular assignment shall be at the option of the handler: *Provided*, That butterfat in milk caused to be delivered to the plant

from producers by a cooperative association not operating the plant for the account of such cooperative association and for which such cooperative makes reports to the Market Administrator shall be considered a separate source of butterfat from that in milk received from another producer group at the plant.

2. Amend §§ 927.200(b), 927.201(b), and 927.204(b) by changing in each the section reference § 927.202(d) to § 927.202(i), and by changing the section reference in § 927.201(d) from § 927.33 (d) to § 927.33.

Issued at New York, N.Y., this 9th day of June 1959.

C. J. BLANDFORD, Market Administrator.

Pursuant to provisions of § 927.36 of the order, as amended, regulating the handling of milk in the New York-New Jersey milk marketing area (7 CFR Part 927), it is hereby determined that an emergency exists which requires the immediate adoption of the temporary amendment issued on June 9, 1959 by the Market Administrator of said order, amending the rules and regulations (7 CFR 927.100 et seq.), heretofore issued by him pursuant to said order.

Said temporary amendment to the rules and regulations revises § 927.202 thereof to incorporate the changes required to make such section conform to the amendment to the order effective April 1, 1959 (24 F.R./2394). No substantive change in accounting procedures is made by this temporary amendment and, therefore, no preparation by handlers is required prior to the effective date. Accordingly, notice of proposed rule making, public procedure thereon, and publication hereof 30 days prior to the effective date specified herein are found to be impracticable, unnecessary, and contrary to the public interest.

Said temporary amendment to the rules and regulations is hereby approved effective as of the effective date of the said amendment to the order which requires this conforming amendment to the rules and regulations.

Copies of the temporary amendment to the rules and regulations may be procured from the Market Administrator, 205 East 42d Street, New York 17, New York.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 608c)

Done at Washington, D.C., this 22d day of June 1959.

ROY W. LENNARTSON, Deputy Administrator.

-[F.R. Doc. 59-5274; Filed, June 24, 1959; 8:52 a.m.]

[Nectarine Order 6]

PART 937—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments § 937.315 Nectarine Order 6.

(a) Findings. (1) Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937) regulating the han-

dling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

policy of the act. (2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001 et seg.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee: information concerning such provisions and effective time has been disseminated among handlers of such nectarines; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was

held on June 19, 1959.
(b) Order. (1) During the period beginning at 12:01 a.m., P.s.t., June 25, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no handler shall handle any package or container of Panamint, Gower, or Quetta nectarines unless:

(i) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 4 x 4 standard pack; or

(ii) Such nectarines, when packed in any container other than a standard basket, measure not less than two (2) inches in diameter: Provided, That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used herein, "diameter" and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145 to 51.3159 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 23, 1959.

S. R. SMITH, Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-5295; Filed, June 24, 1959; 8:53 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I-Agricultural Research Service, Department of Agriculture

> SUBCHAPTER A-MEAT INSPECTION REGULATIONS

PART 27-IMPORTED PRODUCTS

Eligibility of Foreign Countries for Importation of Product Into the United States

Pursuant to the authority conferred by section 306 of the Tariff Act of June 17, 1930 (19 U.S.C. 1306) and after public notice (24 F.R. 3735) and due consideration of all relevant material presented, for the purpose of adding Honduras and Yugoslavia to the list of countries specified in 9 CFR, 27.2(b), as amended, from which meat, meat byproduct, and meat food product may be imported into the United States as provided in the regulations, said § 27.2(b), as amended, of the Meat Inspection Regulations (9 CFR 27.2(b)), issued under said section 306 of the Tariff Act, is hereby amended to read as follows:

§ 27.2 Eligibility of foreign countries for importation of product into the United States.

(b) It has been determined that product from the following countries, covered by foreign meat inspection certificates of the country of origin as required by § 27.6, except fresh, chilled or frozen or other product ineligible for importation into the United States from countries in which the contagious and communicable disease of rinderpest or of foot-and-mouth disease exists as provided in Part 94 of this chapter, is eligible for importation into the United States after inspection and marking as required

by the applicable-provisions of Parts 1 ing overhaul, the fuel injection pump to 29 of this subchapter.

Argentina. Australia. Belgium. Brazil. Canada. Costa Rica. Cuba. Czechoslovakia. Denmark. Dominican Republic. England and Wales. Finland. France. Germany (Federal

Republic). Honduras. Iceland. Ireland (Erie). Italv.

Luxembourg. Madagascar. Mexico. Netherlands. New Zealand. Nicaragua. Northern Ireland. Norway. Panama. Paraguay. Poland. Scotland. Spain. Sweden. Switzerland. Truguay. Venezuela. Yugloslavia.

(34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U.S.C. 1306, 21 U.S.C. 89; 19 F.R. 74, as amended)

Since the foregoing amendment of § 27.2(b) of the regulations relieves restrictions, it may be made effective, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), less than 30 days after its publication in the Fep-ERAL REGISTER.

The amendment shall become effective June 25, 1959.

Done at Washington, D.C., this 22d day of June 1959.

M. R. CLARKSON. Acting Administrator, Agricultural Research Service.

[F.R. Doc. 59-5257; Filed, June 24, 1959; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C-AIRCRAFT REGULATIONS [Reg. Docket 32, Amdt. 25]

PART 507—AIRWORTHINESS **DIRECTIVES**

Miscellaneous Amendments

This amendment to Part 507 contains the Airworthiness Directives amended or issued during May 1959. Individual notice of the Airworthiness Directives contained herein has been given to operators and other interested persons who are subscribers to a Federal Aviation Agency mailing service.

In the interest of safety, compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest, and therefore, is not required.

Section 507.10(a) is amended as fol-

1. 58-10-2 Piper as it appeared in 23 F.R. 4725 is revised to include the J4 series aircraft in the applicability statement.

2. 58-13-5 Wright TC18DA and TC-18EA engines as it appeared in 23 F.R. 5561 is amended to include an alternate method of compliance with item (3) which is changed to read as follows: "(3) Applies to TC18EA series engines only. At the next overhaul and each succeed-

timing and fuel injection line configuration must be in accordance with either Wright Aeronautical Service Bulletin No. TC18E-118 or TC18E-199."

3. 59-2-1 Convair CV-240 and CV-340 aircraft as it appeared in 24 F.R. 2199 is amended by changing Part II, paragraph (2) a to read "a. Shroud the fuel system firewall shut-off valve, the fuel strainer and boost pump body with fireproof material. As an alternate, shroud the fuel tank valve and motor with fireproof matérial, install fire resistant electrical cable for this component in the wheel well area and revise the emergency procedures on page 42.0.1 of the FAA Approved CV-240 Airplane Flight Manual to require fuel and crossfeed selector valves in the "off" position prior to release of extinguisher agent. Electrical cable complying with Military Specification MIL-C-25038 and appearing on Military Qualified Products List QPL-25038 meets fire resistant requirements for this application."

4. 59-6-4 Navion as it appeared in 24 F.R. 3755 is amended by changing the second paragraph to read: "To prevent further difficulties of this nature, the following items must be accomplished by May 1, 1959, and at each periodic inspection thereafter."

5. The following new airworthiness directives are added:

59-9-1 Mooney. Appeared in 24 F.R. 3574.

59-9-2 FAIRCHILD. Applies to Model F-27 aircraft Serial Numbers 1 through 50.

Compliance required at 1,200 hours and 2,400 hours operation and thereafter at every 600 hours operation.

To detect the possible development of cracks in service, conduct an X-ray inspection of the wing center section lower skin and stringers, in accordance with Service Bulletin No. 51-2. If cracks are found, consult Fairchild for approved repairs.

59-9-3. HARTZELL. Applies to all propellerengine combinations consisting of Hartzell HC-82XG Series propellers installed on Lycoming 0-320 Series engines and on some 0-340 Series engines (as noted helow).

Compliance required as indicated.

There are six 3% inch diameter bolts used to hold the HC-82XG series propellers on the 0-320 and some 0-340 engines (if a Hartzell HC-82XL series propeller is installed on a Lycoming 0-340 series engine, the bolts are already 7_{16} inch in diameter). A number of these bolts have broken and, in several cases, the failures progressed, allowing the propeller to separate from the engine. In order to minimize the possibility of this type of failure, inspect and take action as follows:

(1) If the mounting bolts have not been checked for the proper torque within the last 100 hours, check these bolts for the proper 30 ft. lb. torque before completing the next 25 hours' operating time and at or before completing each 100-hour operations to before completing each 100-hour operations. ating period thereafter until item (2) is complied with.

(2) At next engine or propeller overhaul but not later than January 1, 1961, change mounting bolts from % inch to 7/16 inch. Use bolts specified in Hartzell Bulletin No. 68. Change marking on propeller from HC-82XG-() to HC-82XL-(). Change markings on 0-320 series engines as instructed in Lycoming Service Bulletin No. 253A.

The model designation of Lycoming 0-340 series engines will not change since, when this AD is complied with, all 0-340 engines will incorporate 7/16 inch bolts.

No. 124-

(Hartzell Bulletins Nos. 41 and 68 and Lycoming Service Bulletin No. 253A cover this same subject.)

59-9-4 VERTOL. Applies to all Model 44A, B, and C helicopters.

Compliance required as indicated, but no later than May 15, 1959.

(1) A failure of the low velocity fan disc

- assembly, P/N 42P6422. has recently been experienced in a Vertol 44 helicopter. The failure originated as a crack at the blade retaining bolt hole in the disc flange forward face, progressing radially into the flange and disc radius and continuing circumferentially in the radius area for 14 to 16 inches. This portion of the fan disc, containing six fan blades, then separated from the fan and was thrown through the left-hand side of the fuselage.
- (2) To preclude recurrence of said failures, fan disc assemblies, P/N 42P6422, must be retired at 400 hours time.
- (3) It is permissible to operate the fan to 500 hours, providing the following requirements are complied with at, or before, 400 hours time:

- a. Remove spinner, P/N 42P6420.
 b. Visually inspect the disc flange in the blade retaining bolt hole area for evidence of
- c. Reassemble, adding AN 960-416 washers under the 32 nuts in place of removed spin-(The spinner must not be reinstalled, to facilitate future inspections.)
- d. Inspect the above-mentioned areas for evidence of cracks every four (4) flight hours.

 e. Any evidence of cracks will be cause
- for immediate retirement of the fan disc assembly. Fans removed from service because of cracks will be destroyed or mutilated cause of cracks will be destroyed or munifated so as to preclude the possibility of their being returned to service.

 (Vertol Service Department Technical Memorandum No. 1901 covers this same

59-10-1 Boring. Appeared in 24 F.R. 4025 59-10-1 BOEING. Appeared in 24 F.R. 4304. 59-10-2 CESSNA. Applies to Cessna Models 172, Serial Numbers 28000 through 36003; 180, 180A, Serial Numbers 30000 through 32991; 182, 182A, Serial Numbers 33000 through 34500. .

Compliance required by July 15, 1959. The Narco Model 300 position light flasher is of non-fail-safe design and to comply with the Civil Air Regulations a three position switch should be installed to permit steady operation of the lights in case of flasher failure. In addition, a means should be provided to enable the pilot to tell when the flasher has failed. Plexiglas reflectors at the wing tip lights or a monitor light on the van Dusen fiasher (Cessna P/N 0511309-1) is-acceptable as a fail-safe design. (Cessna Service Letter 180/182-41 covers this same subject.)

59-10-4 CONTINENTAL ENGINES. Applies to E185-8, E185-9, E185-11, E225-4 and E225-8 engine models.

Compliance required as soon as possible but

not later than July 1, 1959.
Unless previously accomplished, replace piston pin assembly with piston pin assembly P/N 539467 in any engine manufactured and shipped from Continental Motors Corporation between April 1, 1954, and May 1,

This supplements AD 56-6-1.

59-10-5 HAMILTON STANDARD. Applies to all Hamilton Standard propellers controlled by 5U21 governors and installed on TC18EA Series engines.

Compliance required at first governor overhaul after September 1, 1959, but not later

than February 1, 1960.

Adverse environmental conditions in the propeller governor resulting from certain types of engine failure have caused improper

operation of the governor in such a manner as to result in propeller overspeeding and failure to feather. In order to minimize the failure to feather. In order to minimize the possibility of such occurrences, provide a means for feathering that will be independent of the pilot valve incorporated in the 5U21 governor. Replacement of the 5U21 governor by the Hamilton Standard 5AB23 governor is considered an acceptable means to accomplish the desired objective. Any other approved means of accomplishing the desired obective will also be acceptable. (Hamilton Standard Service Bulletin No.

591 covers this same subject.)

59-10-6 KAMAN. Applies to all K-240 heli-copters (Military HTK-1). Due to associated adverse service experi-ence, the wood type cheek plate rotor blades, P/N K411042-1, -2, -7, and -8 are ineligible for use. These blades modified to conform to, or replaced by, fiberglas type cheek plate rotor blades, P/N K411042-77 and -78, are acceptable with a 2,500-hour retirement life.

59-10-7 LYCOMING. Applies to O-320, O-340, O-360, VO-435, GO-435, GO-480, GSO-480, IGSO-480 and O-540 Series engines as noted.

Compliance required as soon as possible

but not later than July 1, 1959.

It has been found that due to normal expansion of the cylinders during engine operation, the cylinder baffle clamps can become wedged between the cylinders causing barrel distortion and possible extensive damage to the cylinder bore and piston assembly. To correct this condition, the cylinder baffle clamps must either be (1) removed and replaced with baffle retainers and retainer hooks, or (2) removed and reworked to provide more clearance between the lower por-tion of the clamp and the cylinder. Lycoming Service Bulletin No. 254A lists

the parts required to comply with alternate method (1) above. An acceptable method of accomplishing the rework noted as alternate method (2) is also outlined in that bulletin, as well as the serial numbers of engines which comply with the requirements of this directive as delivered from the factory.

59-10-8 Piper. Applies to Models PA-18, PA-18A and PA-22. Compliance required as soon as possible

but not later than July 15, 1959.

Recent occurrences have revealed improper compliance with AD 56-26-2 (Canceled March 24, 1958). Therefore, the tank vents drilled into the gas tank cap must be checked as follows: Insert a 0.030 inch diameter wire into the holes at the bottom of the eter wire into the holes at the bottom of the cap. If the holes are properly drilled the wire can be inserted over ¾ inch until it hits the inside top of the cap. If the holes are not properly drilled the wire will hit the baffle and only enter approximately ¼ inch. Also, if the cap has one hole drilled and is marked with an "X" adjacent to the hole, and the cap rattles when shaken, a loose internal rivet is indicated. If either of the latter conditions exist the following must be latter conditions exist, the following must be accomplished: Rework the fuel tank caps by drilling two additional 0.067 holes ¼ inch from the existing center hole. Drill through bottom part of cap and baffle only. Check these newly drilled holes with the 0.030 inch diameter wire as outlined above. (Piper Immediate Action Service Bulletin Number 148A dated May 29, 1957, covers this same subject.)

59-10-9 PRATT & WHITNEY, Applies to fellowing P&WA Turbo Wasp JT3C-6 engines: JT3C-6 engines prior to Serial Number P630735B, except P630406B through P630413B, P630607B through through P630413B, P630607B through P630609B, P630614B through P630618B, P630623B through P630635B, and P630637B. JT3C-6 engines prior to Serial Number P630742D, except P629708D, P630312D, P630315D, P630317D, P630319D through P630625D, P630610D through P630629D, p630619D through P630622D, prior P6306629D, prior P630629D, p and P630636D.

Compliance required as indicated.

As a result of two third stage turbine blade failures, it will be necessary to replace by 300 hours of blade operating time, the P/N 274303 blade prior to change J-3 and P/N 371603 blade prior to change C-3. Third stage turbine blades P/N 271303, change J-3 and P/N 371603, change C-3, or later, do not require this replacement. (P&WA Service A Bulletin, Chapter 72-8 dated April'3, 1959, of the Heavy Maintenance Manual, P/N 367069 covers this same subject.)

59-10-10 Vickers. Applies to all Model 745D aircraft.

Compliance required as soon as possible but not later than July 1, 1959.

A case has occurred of the failure of flap telescopic tie rod end, Vickers P/N 70103-3139. The investigation revealed that the depth of the drilling for the internal thread had been extended beyond the normal drawing dimension of 0.85 inch which resulted in a reduction in wall thickness and strength across the shoulder.

Inspect flap telescopic tie rod ends, Vickers P/N 70103-3139, assembled on No. 3 and 4 flap telescopic tie rods. If the depth of the internal bore exceeds 0.85 inch measured from the end face of the tie rod end, the /part must be replaced. The above inspection must also be made on all stocks of parts vickets intelletten on a piercett. (Vickers. prior to installation on an aircraft. (Vickers-Armstrongs PTL 207 covers this subject.)

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 19, 1959.

JAMES T. PYLE, Acting Administrator.

[F.R. Doc. 59-5236; Filed, June 24, 1959; 8:45 a.m.]

Chapter V—National Aeronautics and Space Administration

PART 1209—BOARDS AND COMMITTEES

PART 1220—CONTRACT DISPUTES AND APPEALS

1. Part 1220 of this chapter is hereby superseded. Procedures for the review and adjudication of appeals arising from NASA contracts are prescribed in 41 CFR Part 18-60.1

2. A new Part 1209 is hereby added.

Subpart 1—Board of Contract Appeals

1209.100 Scope of subpart.

Establishment of Board of Con-1209.101

tract Appeals. Functions of Board.

1209.102 NASA representation. 1209.103

1209.104 Pending appeals.

AUTHORITY: §§ 1209.100 to 1209.104 issued under sec. 203(b) (1), Pub. Law 85-568.

§ 1209.100 Scope of subpart.

This subpart establishes a Board of Contract Appeals to adjudicate disputes and appeals arising from NASA contracts.

§ 1209.101 Establishment of Board of Contract Appeals.

(a) There is hereby established a Board of Contract Appeals for the National Aeronautics and Space Adminis-

¹ See F.R. Document 59-5263, Title 41, Chapter 18, Part 18-60, infra.

tration, with offices located at NASA duced, special, etc. Subpart—Invoicing Headquarters, Washington 25, D.C. products falsely: § 13.1108 Invoicing

(b) The Board of Contract Appeals (hereinafter referred to as the Board) consists of three members designated by the Administrator, one of whom shall be designated as Chairman. Alternate members are also designated by the Administrator to serve, when necessary, in place of regular members. Membership on the Board is limited to persons admitted to the practice of law before the highest court in the jurisdiction in which they are members of the bar.

§ 1209.102 Functions of Board.

(a) The Board is authorized to act for and exercise the full authority of the Administrator in all cases in which, by the terms of a contract, the contractor may appeal to the Administrator or his representative from findings of fact or decisions of the contracting officer or his authorized representative. No member of the Board shall consider an appeal if he has participated in the awarding or administration of the contract in dispute.

(b) The Board shall have all powers necessary for the proper performance of its duties. This includes but is not limited to authority to conduct hearings, dismiss proceedings, order the production of documents and other evidence, take official notice of facts within general knowledge, and decide all questions of fact and law raised by the appeal. There shall be no administrative appeal from decisions of the Board.

§ 1209.103 NASA representation.

The General Counsel of the National Aeronautics and Space Administration shall designate counsel to represent the interests of the Government in proceedings before the Board.

§ 1209.104 Pending appeals.

The Board of Contract Appeals established pursuant to NASA (NACA) General Regulations No. 6, November 14, 1955 (14 CFR Part 1220), shall complete action on any pending appeal on which hearings have been closed. All other appeals shall be under the jurisdiction of the Board of Contract Appeals established herein.

Effective date. The provisions of this subpart are effective June 25, 1959.

T. Keith Glennan, Administrator.

[F.R. Doc. 59-5262; Filed, June 24, 1959; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission
[Docket 7382 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Howard Nussbaum, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 Prices: Usual as reproducts falsely: § 13.1108 Invoicing products falsely: Fur Products Labeling Act. Subpart-Misbranding or mislabeling: § 13.1190 Composition: Fur Products Labeling Act; § 13.1212 Formal regulatory and statutory requirements: Fur Products Labeling Act; § 13.1280 Price. Subpart-Misrepresenting oneself and goods-Prices: § 13.1805 Exaggerated as regular and customary; § 13.1810 Fictitious marking. Subpart-Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: Fur Products Labeling Act.

(Sec. 6; 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Howard Nussbaum, Inc., trading as Benton Furs et al., Los Angeles, Calif., Docket 7382, May 20, 1959]

In the Matter of Howard Nussbaum, Inc., a Corporation Trading as Benton Furs, and Howard Nussbaum, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in Los Angeles with violating the Fur Products Labeling Act by such practices as labeling certain fur products with the names of animals other than those which produced the fur, affixing tags bearing fictitious excessive prices represented thereby as usual retail prices, advertising which represented prices of fur products falsely as reduced, and failing in other respects to comply with the labeling, invoicing, and other requirements of the Act.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 20 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Howard Nussbaum. Inc., a corporation, trading as Benton Furs, or under any other name, and its officers, and Howard Nussbaum, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "com-merce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations:

- (2) That the fur product contains or is composed of used fur, when such is the fact:
- (3) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact:
- is the fact;
 (4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;
- (5) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale, in commerce, or transported or distributed it in commerce:
- (6) The name of the country of origin of any imported furs contained in a fur product.

B. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

- C. Falsely or deceptively labeling or otherwise identifying such products as to the regular prices thereof by any representation that the regular or usual prices of such products are any amount in excess of the prices at which respondents have usually and customarily sold such products in the recent regular course of business.
- D. Setting forth on labels affixed to fur products:
- (1) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form:
- (2) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, mingled with non-required information:
- (3) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.
- E. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on one side of labels.
- F. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence.
- 2. Falsely or deceptively invoicing fur products by:
- A. Failing to furnish invoices to purchasers of fur products showing:
- (1) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.
- (2) That the fur product contains or is composed of used fur, when such is the fact:
- (3) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact:

(5) The name and address of the per-

son issuing such invoice; ·

(6) The name of the country of origin of any imported furs contained in a fur product:

(7) The item number or mark as-

signed to a fur product.

B. Setting forth information required under section 5(b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Making price claims and representations respecting price reductions unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims or representations are based.

By "Decision of the Commission", etc., report of compliance was required as

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 20, 1959.

By the Commission.

[SEAL]

ROBERT M. PARRISH. Secretary.

[F.R. Doc. 59-5241; Filed, June 24, 1959; 8:47 a.m.]

[Docket 7374 c.o.]

PART 13-DIGEST OF CEASE AND DESIST ORDERS

North Berwick Co. et al.

Subpart-Misbranding or mislabeling: § 13.1190 Composition: Wool Products Labeling Act: § 13.1212 Formal regulatory and statutory requirements: Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68-68(c)) [Cease and desist order, North Berwick Company et al., North Berwick, Me., Docket 7374, May 20, 1959]

In the Matter of North Berwick Company, a Corporation, and Robert Rosenthal, and Herbert Miller, Individually, and as Officers of Said Cornoration

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in North Berwick, Me., with violating the Wool Products Labeling Act by labeling as "90% Wool 10% Other Fibers", interlining materials which contained substantially greater quantities of non-wool fibers than thus indicated, and by failing in other respects to comply with labeling requirements of the Act.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 20 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents North Berwick Company, a corporation, and its officers, and Robert Rosenthal and Herbert Miller, individually, and as officers of said corporation, and respondents' representatives, agents or employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of interlining materials or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers in-

cluded therein:

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous maner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation, not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentages by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentages of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 20, 1959.

By the Commission.

[SEAL]

ROBERT M. PARRISH, Secretary.

[F.R. Doc. 59-5242; Filed, June 24, 1959; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

.Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 2-SPECIAL PROVISIONS AP-PLICABLE TO GRAINS, FLAXSEED, AND SOYBEANS

Information Shown in Reports on Form 204

By virtue of the authority vested in the Secretary of Agriculture under the Commodity Exchange Act, as amended (7 U.S.C., 1958 ed., §§ 1-17a), § 2.17 of Part 2, Chapter I, Title 17, Code of Federal Regulations (17 CFR 2.17) is hereby amended to read as follows:

§ 2.17 Information shown in reports on Form 204.

Such report shall contain the following information with respect to each grain in which the person reporting holds or controls open contracts in any one future thereof on or subject to the rules of any contract market equal to or in excess of the amount fixed in § 2.21:

(a) The makeup of the fixed-price cash-grain position of such person in

such grain showing:

(1) The amount of stocks of such grain and products and byproducts thereof,

(2) The amount of fixed-price purchase commitments open in such grain and products and byproducts thereof,

(3) The amount of fixed-price sale commitments open in such grain and products and byproducts thereof; and

(b) The unfixed-price purchase and sale commitments of such person in such cash grain and products and byproducts thereof.

The effect of this amendment will be to reduce the amount of information which reporting merchants, processors, and dealers in grain or grain products are required to show on weekly report form 204, by eliminating the requirement for information as to futures positions. Under other provisions of the regulations (17 CFR 2.10-2.15, inclusive, 2.20, 2.21), such persons must report such positions daily.

Since this amendment will operate to relieve or liberalize existing requirements and will not adversely affect the public, it is hereby found that notice and public procedure under section 4 of the Administrative Procedure Act are unnecessary.

This amendment shall become effective thirty (30) days after publication in the FEDERAL REGISTER.

Issued: June 19, 1959.

TRUE D. MORSE, Acting Secretary.

[F.R. Doc. 59-5258; Filed, June 24, 1959; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III-Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Reg. 1, further amended]

PART 401—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

Payment for Information in Specific Cases

1. Section 401.6(b) of Social Security Administration Regulation No. 1, 20 CFR 401.6(b), is amended to read:

§ 401.6 Payment for information in specific cases.

(b) When the request is made by (1) the Department of Justice of the United States for any purpose specified in § 401.3 (d) or (i), or (2) the Treasury Department of the United States for any purpose specified in § 401.3 (d) or (i), other than for the purpose of administration of, or the purpose of an investigation or prosecution involving an inquiry to determine whether there has been a violation of, a Federal income tax law or any regulation or procedure in effect thereunder, the information shall be furnished without charge.

2. The foregoing amendment shall be effective July 1, 1959.

(Sec. 205(a), 53 Stat. 1368 as amended, sec. 1102, 49 Stat. 647 as amended, sec. 1106, 64 Stat. 559; 42 U.S.C. 405(a), 1302, 1306; sec. 5 of Reorg. Plan No. 1 of 1953, 67 Stat. 18. Applies sec. 1106, 64 Stat. 559; 42 U.S.C. 1306)

Dated: June 18, 1959.

[SEAL] W. L. MITCHELL, Commissioner of Social Security.

Approved: June 19, 1959.

E. L. RICHARDSON, Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 59-5260; Filed, June 24, 1959; 8:49 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 545—HOMEWORKERS IN THE FABRIC AND LEATHER GLOVE IN-DUSTRY; THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY; THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUS-TRY; THE WOMEN'S AND CHIL-DREN'S UNDERWEAR AND WOMEN'S BLOUSE AND NECK-WEAR INDUSTRY; THE NEEDLE-WORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY; AND THE SWEATER AND KNIT SWIMWEAR **INDUSTRY IN PUERTO RICO**

Minimum Piece Rates; Fabric and Leather Glove Industry

On May 21, 1959, notice was published in the Federal Register (24 F.R. 4105)

that the Administrator, Wage and Hour and Public Contracts Divisions, proposed to amend 29 CFR Part 545, to increase the minimum piece rates for homeworkers in the Fabric and Leather Glove Industry in Puerto Rico. The notice provided a period of fifteen days within which interested persons might submit data, views, or arguments pertaining to the proposed regulations. No such responses were received. Therefore, I have concluded that the amendment should be adopted as proposed.

The amendment is based on section 6(a) (2) of the Fair Labor Standards Act. of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 206) which requires in part that homeworkers in Puerto Rico be paid not less than the minimum piece rate prescribed by regulation or order. Such minimum piece rates are required to be commensurate with, and to be paid in

lieu of the minimum hourly wage rate applicable under section 6 of the Act. Since the minimum hourly wage rate for the Hand-Sewing on Leather Gloves Classification of this industry has recently been increased (24 F.R. 3503), the increase in piece rates prescribed herein are now required.

Accordingly, pursuant to section 4 of the Administrative Procedure Act (60 (Stat. 238; 5 U.S.C. 1003), and under the authority of sections 6 and 11 of the Fair Labor Standards Act of 1938 (52 Stat. 1062 as amended, 1066 as amended; 29 U.S.C. 206, 211), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), 29 CFR, Part 545 is hereby amended as follows:

Schedule C of § 545.13 is hereby amended to read as follows:

SCHEDULE C-PIECE RATE SCHEDULE FOR THE FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO 1

		Ladies' woven or knitted	Leather	gloves ²	Unit of payment	
No.	Operation	fabric gloves	Ladies'	Men's		
		(1)	(2)	(3)		
188	Buttons, slip stitches with tape, 1 button per glove	Cents	Cents	Cents 55, 500	Per dozen pairs.	
189	Buttonholes, stitched in and outside, one buttonhole			74.000	Do.	
190	per glove. Crede stitch, 5 to 6 stitches per inch	0.326			Per inch.	
191 192	Egyptian stitch, 5 to 6 stitches per inch	.391	0.507 .637		Do. Do.	
193 194	Large stitch (husky), 5 to 6 stitches per inch	. 256	.479	.457 .457	Do. Do.	
195 196	Slip stitch, hem only, 5 to 6 stitches per inch	.166	.328 .328	.328 .328	Do. Do.•	
	inch, when sewing has been faced on by machine.				1	
197 198	Swagger stitch, 5 to 6 stitches per inch	. 256 . 256	.479 .479	.457 .457	Do. Do.	
				1	l	

¹Piece rates apply only to hand-sewing operations. For description of operations included under "hand-sewing", see definitions in applicable section of the wage order.

²The hourly minimum wage rates applicable to leather gloves are also applicable to combination leather and fabric gloves. However, piece rates for combination leather and fabric gloves must be set by employers in accordance with § 545.10.

(Secs. 6, 11, 52 Stat. 1062, as amended, 1066 as amended; 29 U.S.C. 206, 211)

This amendment will take effect on July 26, 1959.

Signed at Washington, D.C., this 19th day of June 1959.

> CLARENCE T. LUNDQUIST, Administrator.

[F.R. Doc. 59-5265; Filed, June 24, 1959; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVII-Office of Civil and **Defense Mobilization**

PART 1701—CONTRIBUTIONS FOR CIVIL DEFENSE EQUIPMENT

OCDM Regulations, Part 1701, "Contributions for Civil Defense Equipment," are hereby amended to read as follows:

Sec. 1701.1 Purpose. 1701.2 Definitions.

Request for contributions. 1701.3 1701.4 Conditions of contributions.

Amount of Federal contributions. 1701.5 Project application approval. 1701.6

1701.7 Billing and payment. 1701.8

procurement. 1701.9

Advances of Federal funds for State Retroactive contributions.

1701.10 State procurement. 1701.11 Federal procurement.

AUTHORITY: §§ 1701.1 to 1701.11 issued under secs. 201(i) and 401 of the Federal Civil Defense Act of 1950 (64 Stat. 1245–1257), as amended; 50 U.S.C. App. Supp. 2251–2297; Reorg. Plan No. 1 of 1958 (72 Stat. 1799; 23 F.R. 4991; 5 U.S.C. 133z–15 fn.), as amended by Pub. Law 85-763 (72 Stat. 861); and E.O. 10773 of July 1, 1958 (23 F.R. 5061), as amended by E.O. 10782 of Sept. 6, 1958 (23 F.R. 6971).

§ 1701.1 Purpose.

The purpose of the regulations in this part is to prescribe the requirements and conditions under which the Director, pursuant to the provisions of section 201(i) of the Federal Civil Defense Act of 1950, as amended (64 Stat. 1245, 50 U.S.C. App. 2251 et seq.), is authorized to contribute Federal funds to the States for the purchase of civil defense equip-

§ 1701.2 Definitions.

- (a) Except as otherwise stated, the following terms shall have the following meanings when used in the regulations in this part:
- (1) Civil Defense equipment. Such materials, facilities, and organizational equipment for which the Director approves financial contributions under sec-

tion 201(i) of the Federal Civil Defense Act of 1950.

- (2) Organizational equipment. Equipment (other than materials and facilities) determined by the Director to be (i) necessary to a civil defense organization, as distinguished from personal equipment, and (ii) of such a type or nature as to require it to be financed in whole or in part by the Federal Government. It shall not be construed to include those items which the local community normally utilizes in combating local disasters except when required in unusual quantities dictated by the requirements of the civil defense plans.
- (3) Materials. All materials, supplies, medicines, equipment, component parts, and technical information (including training courses) and processes necessary for civil defense.
- (4) Facilities. Buildings, shelters, and utilities.
- (5) Program. That course of action adopted by a State or political subdivision in a specific civil defense area of activity (e.g., fire program, rescue program, attack warning program, training program, communications program.)
- (6) Project. A definable part of a program which is complete in itself.

§ 1701.3 Request for contributions.

A request for a Federal contribution by the State must be made on project application form (Form OCDM-233) in accordance with the procedures and criteria outlined in the OCDM Contributions Manual, AM25-1. The request for contributions shall be signed by the Governor or by such other State official as shall be duly authorized. In the latter case, such officer's authorization shall be on file with OCDM.

§ 1701.4 Conditions of contributions.

The OCDM shall make contributions for civil defense equipment, including approved costs, subject to the following conditions:

- (a) Certifications. The State's share of the cost of civil defense equipment to which Federal contributions are made may be derived from any source it determines consistent with its laws. The making of a request for a contribution shall constitute a certification by the State (and the political subdivision, if applicable) that the necessary funds to provide for the State's share are available; that the equipment to be acquired is required for civil defense purposes; that the State (and political subdivision, if applicable) will comply with OCDM regulations covering "Contributions for Civil Defense Equipment" (Part 1701), "Labor Standards for Federally Assisted Contracts" (Part 1712 of this chapter), "United States Civil Defense Corps" (Part 1707 of this chapter), and "Official Civil Defense Insigne" (Part 1708 of this chapter); and that similar or equally satisfactory material is not available from Federal surplus property under the Federal Property and Administrative Services Act of 1949 (63 Stat. 378, 40 U.S.C. 471), as amended.
- (b) Personnel and administrative expenses. Contributions for State and lo-

cal civil defense personnel and administrative expenses are made under the provisions of Part 1711 of this chapter (OCDM Contributions Regulations).

(c) Specifications. Specifications for civil defense equipment shall be ap-

proved by the Director.

(d) Cancellation or breach. If for any reason the State (or the political subdivision, if applicable) should revoke or cancel its request for financial contribution after approval by the OCDM, or breaches any condition of this regulation or the project application by which the contribution was approved, it shall promptly reimburse the Federal Government for any loss, as determined by OCDM, occasioned to the Federal Government.

- (e) Inspection and accounting. Civil defense equipment shall be controlled in accordance with accepted or prescribed methods of accounting, identification, and administrative responsibility, except that the Director may make special provisions for training and education courses conducted on a program basis. OCDM representatives shall have access to the equipment at all reasonable times for purposes of inspection. The OCDM shall also be granted ready access to the books and records of the State and political subdivision relating to such equipment.
- (f) Use and disposal. Civil defense equipment shall be distributed, maintained, and used solely for civil defense purposes unless the OCDM prescribes or authorizes otherwise, and such equipment shall not be disposed of without prior approval of the OCDM: Provided, however, That equipment subject to deterioration shall be rotated or replaced in advance of expiration dates in such a manner as to minimize loss by deterioration.
- (g) Distribution and maintenance. Civil defense equipment shall be protected and maintained in such a way as to assure its ready availability for the civil defense purpose for which it was acquired. Such equipment shall, to the extent possible, be distributed and stored in such a manner as to minimize its loss in the event of an attack and at the same time assure its availability for use at the places required immediately after an attack.
- (h) Information and reports. The State (and the political subdivision, if applicable) shall transmit to the OCDM, as required, a statement of its plans for meeting the conditions of this section and such reports as the OCDM may from time to time request.
- (i) Insigne. Civil defense equipment shall, whenever practicable, be marked with the official civil defense insigne.
- (j) Damage or loss. If civil defense equipment procured by the OCDM should be lost or damaged prior to its delivery to the State (or political subdivision, if applicable) OCDM shall promptly make replacement-or any necessary repair. If civil defense equipment procured either by OCDM or the State is consumed, lost, damaged, or destroyed after delivery, the State (or political subdivision, if applicable) shall promptly make replacement: Provided, however, That the State

(or political subdivision, if applicable) shall not be required to replace such equipment which is consumed, lost, damaged, or destroyed in the course of civil defense operations during a civil defense emergency.

- (k) Title. Title to civil defense equipment procured by OCDM shall pass to the State upon delivery of such equipment to the State. When procurement contracts are let by OCDM on an f.o.b. origin basis and OCDM executes inspection and receiving reports which have the effect of accepting the equipment at the shipping point, it shall be considered that title has passed at that time and at that place. The State shall furnish to OCDM the name or names of such person or persons who has or have been authorized, in the name of the State, to execute the necessary receiving reports, fiscal transactions, and other necessary documents in connection with such equipment.
- Loyalty oath. No request for civil defense equipment shall be approved by OCDM unless (1) the State law requires that each person who is appointed to serve in a State or local organization for civil defense shall, before entering upon his duties, take an oath of the character and in the manner provided for in subsection 403(b) of the Federal Civil Defense Act of 1950, as amended, or (2) the State certifies that it has directed the State or local civil defense agency to require that such person shall, before entering upon his duties, take such oath, unless it is determined that an oath of equivalent character has been taken by such person, or that a combination of an oath and requirements of State or Federal law imposes on such person an obligation equivalent to that imposed by the oath contained in subsection 403(b) of the Federal Civil Defense Act of 1950, as amended.
- (m) Failure to expend funds: Where a State acts as its own purchasing agent, and the Director, after reasonable notice and opportunity for hearing in accordance with Part 1703 of this chapter finds that the State has failed or is failing to expend funds in accordance with the terms and conditions of the Act, or this part, the OCDM may withhold payments of any financial contributions to such State, due or to become due.

§ 1701.5 Amount of Federal contribu-

Federal contributions for civil defense equipment may not exceed fifty percent of the total cost for such equipment.

§ 1701.6 Project application approval.

- (a) If a project application is found acceptable and approved without changes by OCDM, a signed copy thereof evidencing such approval shall be returned to the State.
- (b) If OCDM's approval of a project application is made subject to revisions or additional conditions, the project application shall be returned to secure the consent of the State (and the political subdivision, if applicable) to such revisions or additional conditions. If the State (and the political subdivision, if applicable) agrees to such revisions or additional conditions, it shall so

signify by signing and returning the project application.

(c) If the project application is disapproved, it shall be returned to the State with a brief statement of the reasons for such disapproval.

§ 1701.7 Billing and payment.

(a) When civil defense equipment procured by OCDM has been delivered to the State, OCDM shall invoice the State for the State's share, and the State shall make payment to OCDM.

(b) When civil defense equipment procured by a State has been delivered to the State, the OCDM, upon the receipt of proper billing, shall make payment, by check drawn against the Treasury of the United States, to the properly authorized State official.

(c) Representatives of OCDM and the General Accounting Office of the United States shall have access at all reasonable times to the books, records, and other pertinent documents and information of the State and political subdivisions, and their contractors and subcontractors. Such books, records, and documents shall be maintained for a minimum period of three years following completion of the approved project.

§ 1701.8 Advances of Federal funds for State procurement.

(a) Advances of funds may be made to States to be applied to the Federal share of the cost of State-procured items under the conditions set forth in subparagraphs (1), (2), and (3) of this paragraph.

(1) The State law requires funds on deposit, in addition to its own, available for obligation and expenditure to cover the estimated cost of equipment.

(2) The State is precluded from expending State funds in excess of the State's share of the estimated cost of the equipment subject to reimbursement by the Federal Government.

(3) Procurement is to be made by a local political subdivision which is subject to either of the two limitations above.

(b) In requesting an advance under the conditions set forth in paragraph (a) of this section, the State must agree to:

(1) Deposit the advanced funds in a separate fund or account, under the sole custody of the Treasurer or other authorized fiscal officer of the State. Any interest accruing in connection with such fund or account shall be paid to the Federal Government.

(2) Withdraw such funds only upon the certification of the Governor or other authorized State official, and then only for the payment of items covered by the project application against such funds as are advanced, or to be advanced to local political subdivisions.

(3) Keep such central records and accounts as are in accordance with accepted or prescribed methods of accounting, showing the receipt and expenditure of the Federal funds advanced to it. Representatives of OCDM and the General Accounting Office shall be granted ready access to such records and accounts.

(c) Requests for advances must be submitted in triplicate on OCDM Form 237, "Request for Advance of Funds", separate and apart from the project application. Individual requests for advances must be submitted for each project application for which an advance is required.

§ 1701.9 Retroactive contributions.

The OCDM, upon the enactment by the Congress of appropriations for contributions, may, after OCDM requirements are met, make retroactive contributions for civil defense equipment contracted for by the State (or political subdivision, if applicable) after the date of such appropriation enactment. Normally, this will be the first day of the fiscal period.

§ 1701.10 State procurement.

All civil defense equipment (other than that which may be approved for Federal purchase under the succeeding section) must be procured by the State or its political subdivision and in accordance with the following requirements: Provided, however, That the Director may specify that the provisions of this section do not apply to training and education courses conducted on a program basis and may make special provisions therefor in the Contributions Manual AM25-1.

(a) Specifications. Civil defense equipment procured by the States must comply with OCDM standards where established by OCDM specifications for such equipment. If the States desire to deviate from OCDM specifications, permission must be obtained in advance from the OCDM. The request for deviation from OCDM specifications must be justified in quantitative terms and must show how its approval will promote efficient and/or economical utilizations of such equipment. If State or local specifications are so drawn that only one manufacturer is able to bid on the equipment, or a manufacturer whose equipment meets minimum OCDM specifications is precluded from bidding, prior approval for procurement of the equipment must be obtained from the OCDM. This is done by the submission to OCDM of a copy of the restrictive specifications with a statement justifying the need therefor.

(b) Purchase procedures. Procurement of any item of civil defense equipment by the State (or political subdivision, if applicable) must comply with all statutes, regulations, and ordinances covering purchasing of such State or the political subdivision thereof. In addition, if the Federal share of the total estimated cost for all similar or identical items exceeds \$500, procurement must be by invitation to bid through public advertisement, and OCDM contributions will be limited to its share of the amount of the lowest acceptable bid. The State or political subdivision, if applicable, must be prepared to furnish OCDM, upon its request, with proper documentation that the above prescribed procedures have been followed for any item of equipment.

(c) Procurement costs. The Federal Government will not, under these regu-

lations or the program governed by these regulations, contribute to the administrative costs incurred for procurement by the State or its political subdivisions. The project application may, however, include the costs of transportation, installation, and ron-Federal taxes (other than those imposed by the State government, or the political subdivision submitting the application). It may also include Federal taxes if an exemption therefrom cannot be obtained by the State or political subdivision.

(d) Prices. The OCDM will review the estimated prices of each item of civil defense equipment listed in Part II of the project application. In establishing the amount of the Federal contribution to be approved therefor, OCDM will take into account current market conditions and other special circumstances which may be involved in the procurement. OCDM will not contribute to additional expenses which may be incurred due to deviations from standard specifications, where such deviation is not necessary for civil defense purposes.

§ 1701.11 Federal procurement.

Although procurement of civil defense equipment will normally be undertaken by the State, it may, in those cases where it believes there will be appreciable savings in time and money, request Federal procurement. Such a request should be in the form of a memorandum attached to the project application. If it is determined that it is administratively feasible to undertake Federal procurement, the State will be notified by the OCDM of the special procedures and documentation required for the procurement.

These amendments shall take effect upon publication in the Federal Register.

Dated: June 16, 1959.

LEO A. HOEGH,
Director.

[F.R. Doc. 59-5232; Filed, June 24, 1959; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 18—National Aeronautics and Space Administration

PART 18-60—CONTRACT APPEAL PROCEDURE

Sec.	
18-60.100	Scope.
18-60.101	Authority.
18-60.102	Notice of appeal.
18-60.103	Action by contracting officer.
18-60.104	Designation of Government coun-
	sel.
18-60.105	Petition.
18-60.106	Answer.
18-60.107	Reply.
18-60.108	Appeal file; inspection of file.
18-60.109	Amendments to petition and ans-
	swer.
18-60.110	Trial briefs.
18-60.111	Motions to dismiss for lack of
	jurisdiction.
18-60.112	Failure to state a case.
18-60.113	Depositions.
18-60.114	Stipulations.
18–60.115	Prehearing conference.
18-60.116	Settlement.
18-60.117	Filing of papers.
18–60.118	Hearing.

Sec. 18-60.119 Representation of the contractor.

18-60.120 Decisions.

Reconsideration. 18-60.121 18-60.122 Pending appeals.

18-60.190 Suggested form of Notice of Appeal.

AUTHORITY: §§ 18-60.100 to 18-60.190 issued under sec. 203(b) (1). Pub. Law 85-568.

This part establishes procedures for the review and adjudication of appeals arising from NASA contracts.

§ 18-60.101 Authority.

Under provisions of NASA General Management Instruction 2-4-1, June 25, 1959 (14 CFR Part 1209), the Board of Contract Appeals is authorized to act for the Administrator in hearing, considering, and deciding appeals by contractors from findings of fact or decisions of NASA contracting officers or their representatives.

§ 18-60.102 Notice of appeal.

An appeal from findings of fact or decision of a NASA contracting officer shall be made by submitting a notice in writing,1 addressed to the Board of Contract Appeals (hereinafter referred to as the Board), NASA Headquarters, Washington 25, D.C. Such notice shall be filed within 30 days from the date of receipt of the written decision of the contracting officer, unless otherwise provided in the contract. The original notice, together with two copies thereof, shall be mailed to or filed with the contracting officer from whose decision the appeal is taken. The notice of appeal shall indicate that an appeal is thereby intended, and shall identify the contract (by number), the contracting officer, and specify the portion of the findings of fact or decision from which the appeal is taken: Provided, however, That an appeal shall not be deemed invalid if the notice expresses a desire for a review of the adverse decision. The notice shall be signed by the contractor or his attorney.

§ 18-60.103 Action by contracting officer.

- (a) When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing or the date of receipt if otherwise filed and shall forward such notice immediately to the Chairman of the Board for docketing. Within ten days from the date of receipt of the notice of appeal, the contracting officer shall transmit one copy of the notice of appeal to the General Counsel for use of Government counsel and one copy to the Board. 'The Board's copy shall be accompanied by a file consisting of:
- (1) The findings of fact and the decision from which the appeal is taken; (2) All documents relied upon in mak-

ing findings or decisions:

- (3) A copy of the contract and specifications, pertinent plans, amendments, and change orders:
- (4) All correspondence between the parties relating to the dispute;
- (5) Transcripts of any testimony taken in connection with the dispute in

addition to any affidavits or statements of any witnesses that were made prior to the notice of appeal; and

(6) Such additional information as the contracting officer may consider material.

(b) True copies may be substituted for originals in this file.

§ 18-60.104 Designation of Government counsel.

Upon receipt of the copy of notice of appeal from the contracting officer, the General Counsel shall promptly designate counsel to represent the interests of the Government. Government counsel shall file notice of appearance with the Board, and notice thereof shall be given promptly to the contractor by the Board.

§ 18-60.105 Petition.

- (a) A petition in support of the appeal shall be filed by the appellant with the Board within 30 days after the mailing or filing of the notice of appeal or within such longer period of time as may be allowed by the Board. A supporting brief may also be filed. The petition shall set forth:
- (1) A summary of the decision of the contracting officer on the dispute from which the appeal is taken; and
- (2) A simple, concise, and direct statement of each claim upon which the contractor relies and the reasons why the findings or decision are deemed erroneous.
- (b) Documentary evidence in support of claims may be filed as exhibits to the petition. Exhibits shall be plainly listed and identified in the petition. An original and two copies of the petition and exhibits shall be filed. Upon receipt thereof the Board shall forward a copy of the petition to counsel for the Government and a copy to the contracting

§ 18-60.106 Answer.

- (a) Within 30 days after receipt of the petition, or within such longer period of time as may be allowed by the Board, counsel for the Government shall prepare and file with the Board an answer thereto. The answer shall set forth simple, concise, and direct statements of the Government's position on each claim asserted by the contractor. A supporting brief may also be filed.
- (b) Documentary evidence in support of the Government's position may be filed as exhibits to the answer. All documents filed as exhibits to the answer shall be plainly listed and identified in the answer. An original and two copies of the answer and exhibits shall be filed with the Board. Upon receipt thereof the Board shall forward a copy of the answer to the contractor or his attorney and a copy to the contracting officer.

§ 18-60.107 Reply.

The contractor may file a reply within 15 days after receipt of the answer of counsel for the Government.

§ 18-60.108 Appeal File; inspection of File.

The Appeal File shall consist of the notice of appeal, documents required to be filed pursuant to § 18-60.103, the petition and exhibits thereto, the answer and exhibits attached thereto, all papers filed by the parties with the Board pursuant to instructions contained herein, and all correspondence exchanged between the Board and the parties or their attorneys. The Appeal File shall be available for inspection by the appellant and Government counsel at the offices of the Board or the office of the contracting officer.

§ 18-60.109 Amendments to petition and answer.

At any time before oral hearing or before submission of a case by the parties without an oral hearing, the Board in its discretion may permit a party, within the proper scope of the appeal, to amend its petition or answer, upon conditions just to both parties. The Board, in its discretion or upon application by a party, may order a party to make a more definite statement of its petition or answer. or to reply to an answer. When issues within the proper scope of the appeal but not raised by the complaint and answer are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised therein. If evidence is objected to at the hearing on the ground that it is not within the issuances made by the petition and answer, the Board may allow the pleadings to be amended within the proper scope of the appeal and shall do so freely when the presentation of the merits of the action will be served thereby and the objecting party fails to satisfy the Board that the admission of such evidence would prejudice him in maintaining his case or defense upon the merits. The Board may, however, grant a continuance to enable the objecting party to meet such evidence.

§ 18-60.110 Trial briefs.

The Board in its discretion may order the submission of trial briefs prior to oral hearing.

§ 18-60.111 Motions to dismiss for lack of jurisdiction.

Defenses which go to the jurisdiction of the Board shall be raised by motion. Filing of motions to dismiss for lack of jurisdiction shall not be unreasonably delayed. Motions to dismiss for lack of jurisdiction shall, upon application of either party, be heard and determined before oral hearing on the merits. The Board, however, has the right at any time to recognize its lack of authority to proceed in a particular case.

§ 18-60.112 Failure to state a case.

If, after completion of the pleadings. the Board finds that the appellant has failed to state a case on which any relief could be granted by the Board, the Board may give notice to the appellant to show cause why the appeal should not be dismissed on the ground that no useful purpose would be served by setting the case for oral hearing on the merits. The appellant, in such event, will be afforded an opportunity to be heard orally for the purpose of showing cause why the appeal should not be dismissed on that ground and, if the appellant so desires, to move to amend the complaint

A suggested form of notice of appeal is outlined in §18-60.190.

within the proper scope of the appeal. If the Board thereafter finds that the appellant has failed to show cause, and finds that the complaint, with such amendments as may be offered by appellant, fails to state a case on which the Board could grant relief, the appeal shall be dismissed.

§ 18-60.113 Depositions.

(a) Depositions' shall be limited to those situations where there is reason to believe that the witness will not be available for the hearing, and will be permitted in evidence only when in fact the witness is not present at the hearing. Subject to the foregoing limitation, depositions upon oral examination or written interrogatories may be taken by either party and used as evidence at the hearing when relevant and material to the case.

(b) Depositions to be offered in evidence before the Board may be taken before and authenticated by any person authorized by the laws of the United States, or by the laws of the place where the deposition is taken, to administer oaths.

(c) The taking of a deposition shall be preceded by giving the opposite party at least 15 days' notice in writing of the time and place where such deposition will be taken. The notice shall state the name and address of the witness, and the name, official title, and address of the person before whom the deposition is to be taken; and shall indicate whether the deposition will be taken on oral examination or written interrogatories. The parties may stipulate in writing the requirements of the notice in which case no notice is required. If the deposition is to be taken on written interrogatories, two copies thereof should accompany the notice or stipulation.

(d) Within ten days after receipt of the interrogatories, the opposing party may serve cross interrogatories to be propounded to the witness by forwarding them to the officer designated to take the deposition and simultaneously forward-

ing a copy to the other party.

(e) Each deposition shall show the docket number and caption of the proceedings, the place and date of taking, the name of the witness, and the names of all persons present. The person taking the deposition shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and shall enclose the original deposition and exhibits in a sealed packed with postage and other transportation prepaid and forward same to the Board.

(f) A deposition taken under the provisions of this section may be offered by either party to the appeal. Depositions will not be considered as evidence until they have been offered and received as such. All objections made at the time of the taking of the deposition will be passed on at the hearing by the Board which may exclude any part determined to be irrelevant, immaterial, or otherwise not admissible as evidence in the proceedings. The entire deposition must

be offered unless otherwise stipulated by the parties or directed by the Board.

§ 18-60.114 Stipulations.

The parties may stipulate in writing to any facts that are relevant and material to the issues involved, and to those documents or facts which may be received in evidence without formal proof.

§ 18-60.115 Prehearing conference.

- (a) The Board, upon its own initiative or upon application of one of the parties, may direct the parties or their attorneys to appear before the Board or a member designated by the Chairman at a specified time and place for a conference to consider:
 - (1) Simplification of the issues;
- (2) The possibility of obtaining stipulations as to admissions of fact and introduction of documents which will avoid unnecessary proof;
- (3) The limitation of the number of expert witnesses, if a hearing is to be held; and

(4) Such other matters as may aid in

the disposition of an appeal.

(b) The results of the conference shall be reduced to writing by the Board or the member designated by the Chairman and made part of the record.

§ 18-60.116 Settlement.

A dispute may be settled at any time by the contractor filing written notice withdrawing his appeal or by written stipulation between the contractor and the Government counsel approved by the Board settling either the entire dispute or any part thereof. If only part of the dispute is settled, the appeal shall continue as to any issues remaining in dispute.

§ 18-60.117 Filing of papers.

The parties shall file with the Board an original and two copies of all papers, subsequent to the petition and answer. Upon receipt thereof, the Board shall forward a copy to the opposing party:

§ 18-60.118 Hearing.

(a) The contractor may submit the case on the record or request a hearing. The Board shall, at the request of either party within 15 days after the answer is filed, grant a hearing. The parties shall be given at least 15 days' notice of the time and place of hearing.

(b) Hearings will be held at NASA Headquarters, Washington, D.C., unless otherwise ordered by the Board.

(c) Hearings shall be as informal as may be reasonably allowable and appropriate under all the circumstances. Both parties may offer oral and written evidence, subject to the exclusion by the Chairman of any irrelevant, immaterial, The general or repetitious evidence. procedures as to the introduction of evidence and the calling of witnesses shall be in the discretion of the Chairman.

(d) Testimony shall be under oath or affirmation, unless the facts are stipulated or the Chairman shall otherwise order. Attention of witnesses shall be invited to the provisions of 18 U.S.C. 1621 relating to false testimony under oath. If the testimony of a witness is not given under oath the Board shall invite the attention of the witness to the provisions of 18 U.S.C. 287,1001; section 18 of the Contract Settlement Act of 1944 (41 U.S.C. 119), and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

(e) The Board shall make provision for a verbatim transcript of the hearing.

(f) After a decision has become final, the Board may, upon request and after notice to the other party, permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

§ 18-60.119 Representation of the contractor.

An individual appellant may appear before the Board in person, a corporation by an officer thereof, a partnership or joint venture by a member thereof, or by an attorney at law duly licensed in any State, Commonwealth, Territory, or in the District of Columbia. In special cases, the Board may authorize contractors to be represented by persons other than those mentioned.

§ 18-60.120 Decisions.

Decisions of the Board shall be made in writing and reflect the opinion of a majority of the members. Copies of the decision shall be forwarded simultaneously to both parties. All final orders and decisions (except those required for good cause to be held confidential) shall be available for public inspection at the offices of the Board, NASA Headquarters, Washington, D.C.

§ 18-60.121 Reconsideration.

A request for reconsideration by the Board may be filed within 30 days after the date of the decision. - Such request shall set forth specifically the ground or grounds relied upon to sustain the request.

§ 18-60.122 Pending appeals.

Except as directed by the Board with the contractor's consent, procedure set forth herein shall not apply to any contract appeal filed with the NASA prior to the effective date of this part.

§ 18-60.190 Suggested form of Notice of Appeal.

Board of Contract Appeals, National Aeronautics and Space Administration. 1520 H Street NW. Washington 25, D.C.

. Date ___ Appeal of -(Name of Contractor) (Street Number) (City) (Zone/State) Contract No. (Invitation No.) _____Specification No. _____

(Name and Location of Project)

(Name of NASA Office or Field Installation)

RULES AND REGULATIONS

The undersigned contractor appeals to the NASA Board of Contract Appeals from the decision or findings of fact dated.....

(Name of Contracting Officer)
The decision or findings of fact is erroneous because:

(State specific facts and circumstances and the centractual provisions involved.)

(Signature)

(Title)

Effective date. The provisions of this part are effective June 25, 1959.

T. KEITH GLENNAN, Administrator.

[F.R. Doc. 59-5263; Filed, June 24, 1959; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce
Commission

SUBCHAPTER A-GENERAL RULES AND REGULATIONS

[S.O. 931]

PART 95—CAR SERVICE

Movement of Ores Restricted; Appointment of Agent

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 19th day of June A.D. 1959.

It appearing, that due to impending work stoppage in the steel industry the Commission is of the opinion that an emergency requiring immediate action exists at ports where vessels discharge ores into railroad freight cars and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 95.931 Movement of ores restricted; appointment of agent.

(a) Any railroad subject to the Interstate Commerce Act serving ports, including Great Lakes ports, where ores are discharged from vessels, is prohibited from furnishing freight cars for loading of ore from vessels or from ground storage, when destined to steel plants affected by work stoppage, unless and until a permit shall have been issued by the Permit Agent appointed herein authorizing the furnishing of freight cars for such ore loading.

(b) Appointment of Permit Agent: Charles W. Tayler, Director, Bureau of Safety and Service, Interstate Commerce Commission, Washington, D.C., is hereby appointed and designated Permit Agent of the Interstate Commerce Commission. The Permit Agent may issue, deny or revoke permits, either special or general, as authorized in paragraph (a) hereof upon recommendation and certification of the Car Service Division, Association of American Railroads.

(c) Intrastate and interstate traffic: This section shall apply to intrastate, interstate and foreign commerce. (d) Rules, regulations and practices suspended: The operation of all rules, regulations and practices, insofar as they conflict with the provisions of this section, is hereby suspended.

(e) Announcement of suspension: Each such railroad or its agent shall publish, file, and post a supplement to each of its tariffs affected hereby in substantial accordance with the provisions of Rule 9(k) of the Commission's Tariff Circular No. 20 (§ 141.9(k) of this chapter), announcing the suspension of any of the provisions therein.

(f) Effective date: This section shall become effective at 12:01 -a.m., July 1,

1959.

(g) Expiration date: This section shall expire at 11:59 p.m., August 31, 1959, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec 1(10-17), 15(4), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C., 1(10-17), 15(4))

It is further ordered, That this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. McCoy, Secretary.

[F.R. Doc. 59-5254; Filed, June 24, 1959; 8:48 a.m.]

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE
[Ex Parte MC-40]

PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Brakes 🕆

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 18th day of June A.D. 1959.

The matter of parts and accessories necessary for safe operation under the Motor Carrier Safety Regulations prescribed by order dated April 14, 1952, as amended, being under consideration; and

It appearing that a notice of Proposed Rule Making was issued February 13, 1958 (23 F.R. 1575), in accordance with section 4(a) of the Administrative Procedure Act in which interested persons were invited to present written statements containing data, views, or arguments on the proposal therein to amend sections 193.40 and 193.41 of the Motor Carrier Safety Regulations relating to Adequacy of Brakes and Parking Brakes on or before April 15, 1958, which time was extended to July 1, 1958, by order

dated April 15, 1958, and further extended to October 1, 1958, by order dated June 17, 1958 (23 F.R. 4604), and that certain representations have been received in response thereto;

It further appearing that after full investigation of the matters and things, within the scope of our Notice of February 13, 1958, and after full consideration of all the data, views, and arguments received from interested persons with respect thereto, that the said regulations should be amended as proposed, with some revision of the proposed amendment in order to clarify;

It is ordered, That § 193.40 Adequacy of brakes and § 193.41 Parking brakes of the said safety regulations be, and they are hereby, amended to read as

follows:

§ 193.40 Adequacy of brakes.

Every bus, truck, truck-tractor, and combination of motor vehicles, except as provided in § 193.42, shall be equipped with brakes adequate to control the movement of, and to stop and to hold, such vehicle or combination of vehicles. Two separate means of brake application shall be provided. One such means shall be a parking brake which will conform to the requirements of § 193.41. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the vehicle without operative brakes.

§ 193.41 Parking brakes.

(a) Every singly driven motor vehicle and every combination of motor vehicles shall be equipped with parking brakes adequate to hold the vehicle or combination on any grade on which it is operated, under any condition of loading, on a surface free from snow or ice.

(b) The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brakes or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements.

(c) The parking brakes shall be so designed that when once applied they shall remain in the applied position despite exhaustion of any source of energy

or leakage of any kind.

(Sec. 204, 49 Stat. 546, as amended; 490 U.S.C. 304)

It is further ordered, That §§ 193.40 and 193.41 as herein amended shall be effective December 31, 1959;
It is further ordered, That compliance

It is further ordered, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof

with the Director, Office of the Federal Register.

By the Commission.

[SEAL]

HAROLD D. McCoy, Secretary.

[F.R. Doc. 59-5252; Filed, June 24, 1959; 8:48 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B-HUNTING AND POSSESSION OF WILDLIFE

PART 6-MIGRATORY BIRDS

Miscellaneous Amendments

Basis and purpose. By notice of proposed rule making published on April 29, 1959 (24 F.R. 3326), the public was notified that the Director, Bureau of Sport Fisheries and Wildlife, proposed to recommend the adoption by the Secretary of the Interior of certain changes in Part 6, Title 50, Code of Federal Regulations, which would specify open seasons, certain closed seasons, hunting methods, hunting hours and bag limits for migratory game birds. In this connection the public was notified of certain specific changes to Part 6 that were under immediate consideration. The sections of Part 6 to be changed and the reasons for such changes were set forth in detail. It is now determined that of the sections enumerated in the notice only the following section shall be recommended for change: Section 6.6(a). In addition, however, the headnote for § 6.11 is being amended in order that the text therein shall be properly described.

Interested persons were invited to submit their views, data, or arguments with reference to the proposed changes in writing to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., on or before June 1, 1959. Consideration having been given to all relevant matters presented, it has been determined that the proposed change to the section enumerated above shall be adopted. Accordingly, Part 6 of the regulation is amended in pertinent part as

1. Paragraph (a) of § 6.6 is amended to read as follows:

(a) Except for mourning and whitewinged doves, if such birds are dressed, the head, head plumage, and feet must remain attached in such manner as to permit identification of their species while being transported between the places where taken and the location where such birds are to be consumed or refrigerated, smoked, or otherwise preserved.

2. Section 6.11 is amended to change the headnote to read as follows: "Possession of live migratory game birds.",

(Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 704. E.O. 10250, 16 F.R. 5385, 3 CFR, 1951 Supp.)

In accordance with the provisions of section 4(c) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238; 5 U.S.C. 1003(c)), the foregoing amendments shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Issued at Washington, D.C., and dated June 19, 1959.

> ELMER F. BENNETT, Acting Secretary of the Interior.

[F.R. Doc. 59-5243; Filed, June 24, 1959; 8:47 a.m.]

PROPOSED RULE MAKING

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket 30]

AIRWORTHINESS DIRECTIVES

Certain Wright Engines

Pursuant to the authority delegated to me by the Administrator, notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection and modification of Wright TC18DA series and TC18EA series engines.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue, NW., Washington 25, D.C. All communications received within 30 days after publication of this notice in the Federal Register will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed time for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10 by adding the following airworthiness directive:

WRIGHT. Applies to all Wright TC18DA and TC18EA Series engines.

Compliance required as follows: Engine Model TC18EA2—Not later than September 1, 1959.

All other EA Series Models and TC18DA Series-Not later than December 31, 1959.

Instances of propeller shaft cracking through the hydro-oil holes have occurred causing a loss of propeller control. To increase the strength of the propeller shaft and prevent this type of failure, the walls of the hydro-oil holes must be inspected and shotpeened in accordance with the instructions contained in Wright Aeronautical Divi-

sion Service Bulletin No. TC18E-178 or TC18-359.

Issued in Washington, D.C., on June 18, 1959.

WILLIAM B. DAVIS. Director Bureau of Flight Standards.

JUNE 18, 1959.

[F.R. Doc. 59-5235; Filed, June 24, 1959; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

17 CFR Part 53 1

UNITED STATES STANDARDS FOR LAMB, YEARLING MUTTON, AND **MUTTON CARCASSES**

Extension of Time for Filing Comments on Proposed Suspension of Federal Meat Grading Service

On May 28, 1959, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) there was published in the FEDERAL REGISTER (24 F.R. 4307), a notice that the Department of Agriculture was considering amending the Federal Meat Grading Regulations (7 CFR Part 53, Subpart A, as amended), issued under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), effective August 1, 1959, to suspend the Federal meat grading service under said regulations for the determination of the grades of lamb, yearling mutton, and mutton carcasses in accordance with the United States Standards (7 CFR Part 53, Subpart B, as amended).

Considerable interest has been shown in the proposal to suspend the Federal grading of lamb, yearling mutton, and mutton carcasses, and numerous comments thereon have been received from interested persons. It is now deemed desirable to extend the time for filing comments on this proposal in order to afford additional opportunity for interested persons to submit their views on it.

Therefore, the date for submitting written data, views, or arguments in connection with this proposal is extended to July 6, 1959, and all persons desiring to submit such data, views, or arguments should file the same with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., on or before July 6, 1959.

Done at Washington, D.C., this 22d day of June 1959.

TRUE D. MORSE, Acting Secretary of Agriculture. [F.R. Doc. 59-5256; Filed, June 24, 1959; 8:48 a.m.]

FEDERAL COMMUNICATIONS **COMMISSION**

[47 CFR Parts 11, 16, 21 1 [Docket No. 12913; FCC 59-590]

NORMAL OPERATION OF CERTAIN ADDITIONAL STATIONS WITHOUT LICENSED OPERATORS

Notice of Proposed Rule Making

In the matter of amendment of Part 11, Industrial Radio Services, and Part 16, Land Transportation Radio Services, and Part 21, Domestic Public Radio Services (other than Maritime Mobile); to provide for the normal operation of certain additional stations without licensed operators, Docket No. 12913.

1. Notice is hereby given of proposed rule-making in the above-entitled matter.

2. Proposed amendments to the aboveentitled rules of the Commission are set forth below.

3. The Commission has heretofore waived the licensed operator requirements of section 318 of the Communications Act of 1934, as amended, so as to permit normal operation by unlicensed persons of several categories of radio stations (mainly mobile) governed by the above-entitled rules, subject to certain conditions and limitations. The Commission took this action because of improvements in certain operating characteristics and the limited range and low power of the transmitting equipment, all of which tend to minimize in-

terference potentialities.

4. During several years of regulatory experience gained with mobile stations operating under operator license waivers no serious difficulty resulting from such waivers has come to the attention of the Commission. A review of the transmitting equipment of the land and fixed stations governed by the above-mentioned rules discloses similar improvements and it is believed that, with respect to stations operating on frequencies above 30 Mc (above 25 Mc in certain services) and having limited communication ranges, it would be in the public interest to waive, generally, the requirement of a license for operation in normal rendition of service. The proposed amendments are designed to accomplish the changes necessary to effect such waiver. Full responsibility for the proper operation of the stations would rest with the station licensees.

5. These proposed rules are issued under authority of sections 4(i), 303(1), 303(r), and 318 of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth below, may file with the Commission on or before July 20, 1959, a written statement or brief setting forth-his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments or briefs may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional com-ments is established. The Commission will consider all comments, briefs, and statements presented before taking final action in the matter. If any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.54 of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments filed shall

be furnished the Commission.

Adopted: June 17, 1959.

Released: June 19, 1959. FEDERAL COMMUNICATIONS

COMMISSION, MARY JANE MORRIS,

[SEAL] Secretary. 1. It is proposed to amend § 11,107 to

read as follows:

§ 11.107 Transmitter control requirements.

(a) Each transmitter shall be so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.

(b) A control point is an operating position which meets all of the following conditions:

(1) The position must be under the control and supervision of the licensee;

(2) It is a position at which the monitoring facilities required by this section are installed; and

(3)/It is a position at which a person immediately responsible for the operation of the transmitter is stationed.

(c) Each station shall be provided with a control point, the location of which will be specified in the license. It will be assumed that the location of the control point is the same as that of the transmitting equipment unless the application includes a request for a different location. Authority must be obtained from the Commission for the installation of additional control points.

(d) A dispatch point is any position from which messages may be transmitted under the supervision of the person at a control point who is responsible for the operation of the transmitter.

(e) At each control point, the following facilities shall be installed;

(1) A carrier operated device which

when the transmitter is radiating; or, in lieu thereof, a pilot lamp or meter which will provide continuous visual indication when the transmitter control circuits have been placed in a condition to produce radiation: Provided, however, That the provisions of this subparagraph shall not apply to hand-carried or pack-carried transmitters;

(2) Equipment to permit the person responsible for the operation of the transmitter to aurally monitor all transmissions originating at dispatch points

under his supervision:

(3) Facilities which will permit the person responsible for the operation of the transmitter either to disconnect the dispatch point circuits from the trans-.. mitter or to render the transmitter inoperative from any dispatch point under his supervision; and

(4) Facilities which will permit the person responsible for the operation of the transmitter to turn the transmitter

carrier on and off at will.

2. It is proposed to amend § 11.154 to read as follows: . .

§ 11.154 Operator requirements.

(a) All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment: Provided, however, That only persons holding a radiotelegraph first- or second-class operator license shall perform such functions at radiotelegraph stations transmitting by any type of the Morse code.

(b) Except under the circumstances specified in paragraph (a) of this section, only a person holding a commercial radiotelegraph operator license or permit of any class issued by the Commission shall operate a station during the course of normal rendition of service, when transmitting radiotelegraph by any type

of the Morse code.

(c) Except under the circumstances specified in paragraphs (a) and (b) of this section, and except as limited by paragraphs (g) and (h) of this section, an unlicensed person, after being authorized by the station licensee to do so, may operate from a control point, a mobile base or fixed station or from a dispatch point, a base or fixed station, during the course of normal rendition of service when transmitting on frequencies above 25 Mc.

(d) Except under the circumstances specified in paragraphs (a) and (b) of this section, and except as limited by paragraphs (g) through (i) of this section, only a person holding a commercial radio operator license or permit of any class issued by the Commission shall operate a mobile station during the course of normal rendition of service when transmitting on frequencies below will provide continuous visual indication. 25 Mc.: Provided, however, That an unlicensed person, after being authorized to do so by the station licensee, may operate such a mobile station during the course of normal rendition of service when transmitting on frequencies below 25 Mc while it is associated with and under the operational control of a base station of the same station licensee.

(e) Except under the circumstances specified in paragraphs (a) and (b) of this section, and except as limited by paragraphs (g) through (i) of this section, base stations and fixed stations shall be operated in accordance with the following when transmitting during the course of normal rendition of service on frequencies below 25 Mc.:

(1) From a control point, only a person holding a commercial radio operator license or permit of any class issued by the Commission shall operate a base

station or fixed station.

- (2) From a dispatch point, an unlicensed person may operate a base station or fixed station after being authorized to do so by the station licensee: Provided, however, That such operation shall be under the direct supervision and responsibility of a person who (i) holds a commercial radio operator license or permit of any class issued by the Commission and who (ii) is on duty at a control point meeting the requirements of Subpart C of this Part.
- (f) Except under the circumstances specified in paragraph (a) of this section, and except as limited by paragraphs (g) and (h) of this section, no person, whether or not a licensed operator, is required to be in attendance at a station when transmitting during the course of normal rendition of service and when either: (1) transmitting for telemetering purposes or (2) retransmitting by self-actuating means a radio signal received from another radio station or stations.
- (g) The provisions of this section authorizing certain unlicensed persons to operate certain stations, or authorizing unattended operation of stations in certain circumstances, shall not be construed to change or diminish in any respect the responsibility of station licensees to have and to maintain control over the stations licensed to them (including all transmitter units thereof), or for the proper functioning and operation of those stations (including all transmitter units thereof) in accordance with the terms of the licenses of those stations.
- (h) Notwithstanding any other provisions of this section, unless the transmitter is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, and unless the transmitter is so installed that all controls which may cause improper operation or radiation are not readily accessible to the person operating the transmitter, such transmitter shall be operated by a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission being used, issued by the Commission.

- (i) Any reference in this section to a commercial radio operator license or permit shall not be construed to include a Temporary Limited Radiotelegraph Second-Class Operator License.
- 3. It is proposed to amend § 16.107 to read as follows:

§ 16.107 Transmitter control requirements.

- (a) Each transmitter shall be so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.
- (b) A control point is an operating position which meets all of the following conditions:
- (1) The position must be under the control and supervision of the licensee;
- (2) It is a position at which the monitoring facilities required by this section are installed; and
- (3) It is a position at which a person immediately responsible for the operation of the transmitter is stationed.
- (c) Each station shall be provided with a control point, the location of which will be specified in the license. It will be assumed that the location of the control point is the same as that of the transmitting equipment unless the application includes a request for a different location. Authority must be obtained from the Commission for the installation of additional control points.
- (d) A dispatch point is any position from which messages may be transmitted under the supervision of the person who is at a control point responsible for the operation of the transmitter. Dispatch points may be installed without authorization from the Commission.
- (e) At each control point the following facilities shall be installed:
- (1) A carrier operated device which will provide continuous visual indication when the transmitter is radiating; or, in lieu thereof, a pilot lamp or meter which will provide continuous visual indication when the transmitter control circuits have been placed in a condition to produce radiation: Provided, however, That the provisions of this subparagraph shall not apply to hand-carried or pack-carried transmitters;
- (2) Equipment to permit the person responsible for the operation of the transmitter to aurally monitor all transmissions originating at dispatch points under his supervision;
- (3) Facilities which will permit the person responsible for the operation of the transmitter either to disconnect the dispatch point circuits from the transmitter or to render the transmitter inoperative from any dispatch point under his supervision; and
- (4) Facilities which will permit the person responsible for the operation of the transmitter to turn the transmitter carrier on and off at will.
- 4. It is proposed to amend § 16.154 to read as follows:

§ 16.154 Operator requirements.

(a) All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of

- a radio station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment; *Provided, however*, That only persons holding a radiotelegraph first- or second-class operator license shall perform such functions at radiotelegraph stations transmitting by any type of the Morse code.
- (b) Except under the circumstances specified in paragraph (a) of this section, only a person holding a commercial radiotelegraph operator license or permit of any class issued by the Commission shall operate a station during the course of normal rendition of service when transmitting radiotelegraphy by any type of the Morse code.
- (c) Except under the circumstances specified in paragraphs (a) and (b) of this section, and except as limited by paragraphs (g) and (h) of this section, an unlicensed person after being authorized to do so by the station licensee may operate from a control point a mobile, base, or fixed station, or from a dispatch point a base or fixed station, during the course of normal rendition of service when transmitting on frequencies above 25 Mc.
- (d) Except under circumstances specified in paragraphs (a) and (b) of this section, and except as limited by paragraphs (g) through (i) of this section, only a person holding a commercial radio operator license or permit of any class issued by the Commission shall operate a mobile station during the course of normal rendition of service when transmitting on frequencies below 25 Mc.: Provided, however, That an unlicensed person, after being authorized to do so by the Station Licensee, may operate such a mobile station during the course of normal rendition of service when transmitting on frequencies below 25 Mc while it is associated with and under the operational control of a base station.
- (e) Except under the circumstances specified in paragraphs (a) and (b) of this section, and except as limited by paragraphs (g) through (i) of this section, base stations and fixed stations shall be operated in accordance with the following when transmitting during the course of normal rendition of service on frequencies below 25 Mc.:
- (1) From a control point only a person holding a commercial radio operator license or permit of any class issued by the Commission shall operate a base station or fixed station.
- (2) From a dispatch point, an unlicensed person may operate a base station or fixed station after being authorized to do so by the Station Licensee. Provided, however, That such operation shall be under the direct supervision and responsibility of a person who (i) holds a commercial radio operator license or permit of any class issued by the Commission and who (ii) is on duty at a control point, meeting the requirements of Subpart C of this Part.

(f) Except under the circumstances specified in paragraph (a) of this section, and except as limited by paragraphs (g) and (h) of this section, no person, whether or not a licensed operator, is required to be in attendance at a station when transmitting during the course of normal rendition of service and when either (1) transmitting for telemetering purposes or (2) retransmitting by selfactuating means a radio signal received from another radio station or stations.

(g). The provisions of this section authorizing certain unlicensed persons to operate certain stations, or authorizing unattended operation of stations in certain circumstances, shall not be construed to change or diminish in any respect the responsibility of station licensees to have and to maintain control over the stations licensed to them (including all transmitter units thereof), or for the proper functioning and operation of those stations (including all transmitter units thereof), in accordance with the terms of the licenses of those stations.

(h) Notwithstanding any other provisions of this section, unless the transmitter is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, and unless the transmitter is so installed that all controls which may cause improper operation or radiation are not readily accessible to the person operating the transmitter, such transmitter shall be operated by a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission being used, issued by the Commission.

(i) Any reference in this section to a commercial radio operator license or permit shall not be construed to include a Temporary Limited Radiotelegraph Second-Class Operator License.

§ 16.354 [Deletion]

5. It is proposed to delete § 16.354.

§ 21.118 [Amendment]

- 6. It is proposed to amend § 21.118 (d) and (f) to read as follows:
- (d) Each station in these services, which is required to have a person on duty and in charge of the station's operations during the normal rendition of service, shall be provided with at least one control point. Prior authority from the Commission is required for the installation of any control point which is to be more than 100 feet from the transmitter or which is to be at an address different from that of the transmitter.
- (f) Transmitter control circuits from any control point shall be so installed that grounding or shorting any line in the control circuit will not cause the transmitter to radiate: Provided, however, That this provision shall not be applicable to control circuits of stations which normally operate with continuous radiation or to control circuits which are under the effective operational control

of responsible operating personnel 24 hours per day.

7. In § 21.205, it is proposed to amend paragraphs (a), (h), and (m) to read as follows, and to delete paragraph (i):

§ 21.205 Operator requirements.

(a) Any person in charge of a radio station in these services shall be competent to maintain proper radio logs and records relative to such operations where they are required.

(h) Any person may, after obtaining permission from the station licensee, operate the following types of stations during the course of normal rendition of service, under the circumstances set forth below:

(1) A mobile station, when communicating with or through a base station in the Domestic Public Land Mobile Radio Service.

(2) A rural subscriber or mobile station in the Rural Radio Service.

(3) Central Office stations, Inter-Office stations, Auxiliary Test stations, and Base stations, including Radio Control stations, which may be associated therewith

(m) The provisions of paragraph (h) of this section authorizing certain unlicensed persons to operate radio stations shall not be construed to change or diminish in any respect the responsibility of station licensees to have and to maintain effective operational control over the stations operating under their license (including all transmitter units thereof), or for the proper functioning of those stations in accordance with the terms of the instrument of authorization and applicable rules and regulations.

§ 21.208 [Amendment]

8. It is proposed to amend § 21.208(g) to read as follows:

(g) For each station which is required to maintain one or more control points, an operation log book shall be kept showing:

(1) The time and signature, upon entering upon duty at the station and again upon leaving duty, of the person or persons responsible for the operation of the transmitting equipment each day. Where the person responsible for the operation of the station is required to be a licensed radio operator, the log entry shall also show the class, serial number and expiration date of his operator license.

.(2) [No change.]

[F.R. Doc. 59-5266; Filed, June 24, 1959; 8:50 a.m.]

[47 CFR Part 16]

[Docket No. 12911; FCC 59-586]

RAILROAD RADIO SERVICE; MOBILE STATIONS AND RELAY STATIONS

Notice of Proposed Rule Making

In the matter of providing for the use of mobile stations as repeater stations,

in the Railroad Radio Service, and placing mobile relay stations on a regular rather than developmental basis; Docket No. 12911.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission proposes herewith to amend its rules governing the Land Transportation Radio Services to provide that a mobile station licensed in the Railroad Radio Service may be authorized, upon request to the Commission, to act as an automatic (mobile) repeater for the direct retransmission of the signals of associated low power hand-carried or pack-carried transmitters, in order to extend the range of mobile-to-mobile or mobile-to-base communications beyond that normally possible by such hand-carried or pack-carried units.

3. As proposed herewith, the Commission's rules would provide that, when specifically authorized, a mobile station in the Railroad Radio Service may be used for the automatic retransmission, on its normal operating frequency, of the signals of certain other mobile units operating on some other specified frequency. A need for this provision appears to have developed in connection with the use of the newer miniaturized models of low-power hand-carried transmiter-receiver units in this service, when used in conjunction with conventional vehicle-mounted mobile units in areas which are comparatively far removed from the base stations of the respective mobile service systems. Specifically, it appears that the operator of a vehicular mobile station may find it necesary to proceed on foot to a location which is inaccessible to the vehicle, and to communicate with other mobile units or with the base station of the system from such points using a lower-powered hand-carried or pack-carried unit. In such cases the miniaturized low-power equipment, while undoubtedly capable of receiving the signals of the associated base station and vehicular mobile units if adjusted to the proper frequency, will be unable to reply directly thereto in many cases and will require relay of some kind. Where no operator remains in the vehicle it also appears that the transmitter therein must be capable of automatic retransmission of the signals of the handcarried or pack-carried unit, if the operator of the smaller set is to be able to consistently remain in communication with the base station of the system or with other conventional mobile units. The rule amendments proposed herewith are intended to provide for that method of operation.

4. In addition to the foregoing, the rule amendments proposed herewith are intended to remove the existing "developmental" limitation on the operation of a mobile relay station in the Railroad Radio Service, since that limitation no longer appears necessary.

5. Authority for the proposed amendments, which are set forth in detail below, is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be

adopted in the form set forth herein, and any person desiring to support this proposal, may file with the Commission on or before September 1, 1959, a written statement or brief setting forth his comments. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views, or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: June 17, 1959.

Released: June 19, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. It is proposed to amend § 16.6(b) by insertion of the following definition in the proper alphabetical sequence:

§ 16.6 Definition of terms.

(b) Definition of stations.

Mobile repeater station. A mobile station authorized to receive radio signals directed to it by other mobile stations and to retransmit them automatically on a mobile service frequency to one or more land or mobile stations. (Authorized in the Railroad Radio Service only)

2. In § 16.355, it is proposed to amend paragraph (a) and (b)(1), and to replace paragraph (c) by new paragraphs (c) and (d) as follows:

§ 16.355 Relay and repeater stations.

- (a) General. Relay and repeater stations are used to extend the range of communication between another radio station and the point with which it is desired to communicate. For the purposes of the rules in this part, there are three types of relay and repeater stations: Mobile relay stations, mobile repeater stations, and fixed relay stations. For definitions, see § 16.6.
- (b) * * (1) Each application for a new mobile relay station authorization shall be accompanied by a satisfactory showing that the applicant has a substantial requirement for prompt mobile-to-mobile or extended range point-to-train communications over ranges greater than can be realized consistently by direct communication on the frequency presently assigned, or in the case of a proposed new radio system, on any available frequency. Except for radio systems in railroad yard and terminal areas, range measurements obtained by use of lowpower transmitters of the hand-carried

or pack-carried type will not be accepted in satisfaction of the applicable requirements of this subparagraph.

(c) Mobile repeater stations. The conditions governing authorization and operation of this type of repeater station are as follows:

(1) Upon proper application, any mobile station in the Railroad Radio Service may be authorized to be operated as a mobile repeater station, subject to the requirement that harmful interference shall not be caused to the stations of any other licensee by operation of the pack-carried or hand-carried transmitters with which it is associated.

(2) A mobile repeater station may retransmit only the signals of hand-carried or pack-carried transmitters operating on a frequency or frequencies above 150 Mc with plate input power not exceeding 3 watts. The frequency and the maximum power of the units which may be associated with, and the signals of which may be retransmitted by, a mobile repeater station will be specified in the station authorization.

(3) Each mobile repeater station shall be so designed and installed that except when manually operated as a conventional mobile station, it will be activated only by means of a coded signal or signals or such other means as will effectively prevent its activation by undesired stations.

(4) Each mobile repeater station shall be so designed and installed that, except when manually operated as a conventional mobile station, it will be deactivated upon cessation of the coded signal or signals, or other selective activation means, required under the terms of subparagraph (3) of this paragraph and, in addition, shall be provided with automatic time-delay or other device which will deactivate the station not more than three minutes after its activation.

(5) A mobile repeater station may be authorized to operate on any mobile service frequency available for assignment to mobile stations of the mobile service system in which it is operated.

(d) Fixed relay stations. Fixed relay stations will be authorized to operate only on frequencies available for use by operational fixed stations.

[F.R. Doc. 59-5267; Filed, June 24, 1959; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 43] [Ex Parte 217]

TRAINS OR FERRIES

Discontinuance or Change of Operation or Service

June 16, 1959.

Pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003), notice is hereby given of the proposed revision of the rules governing notices and petitions filed pur-

suant to the provisions of section 13a of the Interstate Commerce Act, as amended (49 U.S.C. 13a).

On August 14, 1958, the Commission Issued an order prescribing rules and regulations governing notices and petitions filed with respect to the proposed discontinuance or change of the operation or service of any train or ferry pursuant to the provisions of said section 13a by carriers subject to part I of said act (49 CFR Part 43). Certain amendments to the rules now appear necessary or desirable.

It is proposed to amend the said rules and regulations as set forth below. No formal hearing is contemplated with respect to these proposed rules, but interested persons may file with this Commission on or before August 3, 1959, written statements of facts, opinions, arguments or suggested amendments concerning the rules herein proposed and any of the existing rules. Any such statement shall conform to the specifications provided in § 1.15 of the Commission's general rules of practice (49 CFR 1.15). An original and 14 copies shall be furnished for the Commission's use.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Federal Register Division, Washington, D.C.

By the Commission, Division 4.

[SEAL] HAROLD D. McCoy, Secretary.

It is proposed to amend the sections and portions of sections of the existing rules indicated below to read as shown.

§43.3 Form and style of notice.

The notice shall be reproduced by printing, multigraphing, or mimeographing (or by any other process provided the copies are clearly legible) on paper not less than 8½ by 11 inches, with the words, "Notice of proposed, change (or discontinuance, if appropriate) of service" printed in large bold-face type near the top. If printed, nothing less than 12-point type shall be used in the remainder of the notice.

§ 43.4 Contents of notice.

A separate notice shall be given for each discontinuance or change of service. A single notice may include more than one train or ferry except that unrelated trains or ferries shall not be made the subject of a single notice. Each notice shall set forth the following information:

(d) Advice to the public that persons desiring to object to the proposed discontinuance or change should notify the Interstate Commerce Commission, at Washington, D.C., of such objection and the reasons therefor at least 15 days before the effective date of the proposed discontinuance or change.

§ 43.5 [Amendment]

- 1. Amend paragraphs (f), (g), and (h) to read as follows:
- (f) Description of other common carrier service, including service of the

subject carrier, of the same kind (passenger or freight) rendered by the trains or ferries involved, between and at the points described in the notice and other common carrier service available in the

immediate territory.

(g) A statement of the traffic transported on trains or ferries involved for each of the last 2 calendar years and for the part of the current year for which such information is available. If information for such periods is not submitted, explanation must be given as to why such information was not submitted. When a notice involves more than one train or ferry, the traffic of each should be segregated to the extent practicable. If the proposed discontinuance or change involves less than all of the stations served by a train or ferry, to the extent such information is available segregation should be made of the traffic transported to and from each station which will be affected.

(h) Financial results of operating the trains or ferries involved during the period or periods embraced in the statement submitted pursuant to paragraph (g) of this section, segregated in the same manner and to the same extent as required by that paragraph.

- 2. Add a new paragraph (i) to read as
- (i) A copy of the carrier's general balance sheet statement as of the latest date available; and of its income statements for each of the last two calendar years and for that portion of the current year for which such information is available.
- 3. Change existing paragraph (i) to (j) reading as follows:
- (j) A certificate that a copy of the notice and of the "Statement in Relation to Proposed Discontinuance or Change of Train or Ferry Service" has been mailed to the Governor and railroad regulatory body of each State in which the subject train or ferry is operated and that such notice has been posted in a conspicuous place in each station, depot, or other facility involved,

including each ferry and each passenger car on trains affected, which certificate shall include information of the date or dates on which the notice and statement were mailed and the date or dates on which the notice was posted as aforesaid and that a copy of the notice and statement were served upon the Railway Labor Executives' Association, Washington 1, D.C.

4. Reletter existing paragraph (j) to (k).

§ 43.8 Filing; copies.

As applicable, 8 copies of the notice and an original and 7 copies of the accompanying statement, or an original and 7 copies of the petition shall be filed with the Secretary of the Commission, Washington, D.C. Each copy of the statement or petition shall bear the dates and signatures that appear in the original and shall be complete in itself; but the signatures in the copies may be stamped or typed.

[F.R. Doc. 59-5253; Filed, June 24, 1959; 8:48 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY - DEPARTMENT OF THE INTERIOR

Office of Defense Lending WAR DAMAGE CORPORATION Dissolution

Whereas, War Damage Corporation was organized and created by Reconstruction Finance Corporation pursuant to the provisions of the Reconstruction Finance Corporation Act, as amended; and

Whereas, except for purposes of liquidation, the succession of War Damage Corporation expired January 22, 1947; and

Whereas, the liquidation of War Damage Corporation has been completed and War Damage Corporation has no assets or liabilities; and

Whereas, the Secretary of the Treasury is the sole holder of all of the issued and outstanding capital stock of War Damage Corporation;

Now, therefore, by virtue of the authority vested in me as Director, Office of Defense Lending, by Office of Defense Lending Order No. 1 dated July 1, 1957 (22 F.R. 5613), War Damage Corporation is hereby dissolved effective at the close of June 27, 1959.

Dated: June 19, 1959.

R. M. SEABURY, [SEAL] Director, Office of Defense Lending, Treasury Department.

[F.B. Doc. 59-5255; Filed June 24, 1959; 8:48 a.m.]

Bureau of Land Management

[Serial No. Idaho 07470]

IDAHO

Amendment of Proposed Withdrawal and Reservation of Lands

JUNE 18, 1959.

A Notice of Proposed Withdrawal and Reservation of Lands, Idaho 07470, by the Bureau of Land Management, dated June 2, 1959, published in the FEDERAL REGISTER June 10, 1959, Volume 24, No. 113, Page 4702, is hereby corrected as follows: Wherein it stated "withdrawal of the lands described below, from all forms of appropriation under the public land laws", it is corrected to read "withdrawal of the lands described below, from all forms of appropriation under the public land laws excepting any mineral deposits therein".

> DONALD I. BAILEY. Acting State Supervisor.

[F.R. Doc. 59-5244; Filed, June 24, 1959; 8:47 a.m.]

ARIZONA GROUP 317

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands -

JUNE 19, 1959.,

1. Pursuant to authority delegated by BLM Order No. 541 dated April 21, 1954

(19 F.R. 2473), as amended, notice is hereby given that the plat of survey accepted April 20, 1959, of T. 5 S., R. 5 E., G&SRM, Arizona, including lands hereinafter described, will be officially filed in the Land Office at Phoenix, Arizona, effective at 10:00 a.m. on the 35th day after the date of this notice:

GILA AND SALT RIVER MERIDIAN. ARIZONA

T. 5 S., R. 5 E., Sec. 13, Lots 1, 2, 3, 4, 5, 6, 7, S½NW¼, SW¼NE¼, W½SE½, SW¼ (All);
Sec. 14, Lots 1, 2, 3, 4, S½N½, S½ (All);
Sec. 15, Lots 1, 2, 3, 4, S½N½, N½SW¼, N½SW¼,

SE14; Sec. 16, Lots 1, 2, 3, 4, S½N½, N½SE¼; Sec. 22, Lots 1, 2, 3, 4; Sec. 23, Lots 1, 2, 3, 4, S½N½;

Sec. 24, Lots 1, 2, 3, 4, 5, SE1/4NW1/4. S1/2 NE1/4:

The area described aggregates 3,073.89 acres.

- 2. The above lands are open to application, location, selection and petition as outlined below. No application for these lands will be allowed under the Homestead, Desert Land, Small Tract, or any other nonmineral public land law, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.
- 3. Available data indicates the lands are level to rolling. The soil in the south and west portions is sandy and gravelly loam. The northeast portion is rough and stony.
- 4. Subject to any existing valid rights and the requirements of applicable law,

the lands described in paragraph 1 hereof, are hereby opened to filing of application, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284 as amended), presented prior to 10:00 a.m. on July 25, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on October 24, 1959, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under

laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on October 24, 1959, will be considered as simultaneously filed at that hour. Rights under such appli-

cations and selections filed after that hour will be governed by the time of filing.

5. Persons claiming veterans' preference rights under paragraph 4(a)(2), above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

> Thos. F. Britt, Manager.

[F.R. Doc. 59-5245; Filed, June 24, 1959; 8:47 a.m.]

ARIZONA

Notice of Filing of Plat of Survey

JUNE 19, 1959.

1. Pursuant to authority delegated by BLM Order No. 541 dated April 21, 1954 (19 F.R. 2473), as amended, notice is hereby given that the plat of survey ac-

cepted April 2, 1959, of T. 14 N., R. 11 E., G&SRM, Arizona, including lands here-inafter described, will be officially filed in the Land Office at Phoenix, Arizona, effective at 10:00 a.m. on the 35th day after the date of this notice:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 14 N., R. 11 E., Sec. 33, Lots 1, 2, 3, 4, 5, 6, 7, and 8; Sec. 34, Lots 1, 2, 3, 4, 5, 6, 7, 8, SE½; Sec. 35, Lots 1, 2, 3, 4.

Within the above described areas are 972.56 acres.

2. Available data indicates that the lands are rough and the soils are gravelly and stony.

3. On June 26, 1942, the Santa Fe Pacific Railroad Company filed application Phoenix 080632 under the Transportation Act of 1940, for Lots 1, 2, 3, 4, 5, 6, 7, and 8, Sec. 33, and Lots 1, 2, 3, 4, Sec. 35. The Government lost its case in the courts relating to this application and action is to be taken with a view to issuance of a patent thereon to the applicant.

4. All of the lands involved are within the Coconino National Forest, having been added to such forest by Proclamation of June 28, 1910, and Lots 1, 2, 3, 4, 5, 6, 7, 8, and the SE½ Sec. 34, shall become subject to the public land laws relating to national forest lands at 10:00 a.m. on July 25, 1959.

Thos. F. Britt, Manager.

[F.R. Doc. 59-5246; Filed, June 24, 1959; 8:47 a.m.]

[Order 615, Amdt. 5]

MANAGERS, ST. PAUL, MINN., AND NEW ORLEANS, LA.

Delegation of Authority; Contracts and Leases

JUNE 16, 1959.

Section 1, subsection (b) of Bureau Order No. 615, dated June 12, 1956 is amended to read:

(b) The Managers of the local offices of the Bureau located at St. Paul, Minnesota and New Orleans, Louisiana are authorized to enter into such contracts when the amount in any such contract does not exceed \$2,000.

Earl J. Thomas, Acting Director.

[F.R. Doc. 59-5247; Filed, June 24, 1959; 8:47 a.m.]

[No. 59-13]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 18, 1959.

The Acting Secretary, United States Department of Agriculture, has filed an application, Serial No. Oregon 06519, for the withdrawal of the lands described below, subject to valid existing rights, from appropriation under the general mining laws, but excepting the mineral leasing laws.

The applicant desires the land for use by the United States Forest Service as roadside zones to protect and preserve the aesthetic values for public use and enjoyment and for eventual establishment of camp and picnic grounds.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 809 Northeast Sixth Avenue, Fortland 12, Oregon.

The determination of the Secretary of the Interior on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

The lands involved in the application

WILLAMETTE MERIDIAN, OREGON

DESCHUTES NATIONAL FOREST

A strip of land 330 feet on each side of the center line of the existing U.S. Highway #97 (The Dalles-California Highway) where such highway traverses public lands through the following sections:

```
T. 19 S., R. 11 E.,
  Sec. 1.
  Sec. 12,
  Sec. 13,
  Sec. 24,
  Sec. 25.
  Sec. 26.
  Sec. 34,
  Sec. 35.
T. 20 S., R. 11 E.,
  Sec. 3.
  Sec. 4.
  Sec. 9,
  Sec. 16,
  Sec. 20.
  Sec. 21.
  Sec. 28.
  Sec. 29,
  Sec. 31,
  Sec. 32.
T. 21 S., R. 11 E.,
  Sec. 5.
T. 23 S., R. 9 E.,
  Sec. 24.
T. 24 S., R. 9 E.,
  Sec. 3.
  Sec. 8.
  Sec. 17.
T. 25 S., R. 8 E.,
  Sec. 1,
Sec. 12,
  Sec. 13,
   Sec. 14.
  Sec. 24,
  Sec. 26.
  Sec. 34.
  Sec. 35.
```

T. 26 S., R. 8 E., Sec. 2, unsurveyed, Sec. 3, unsurveyed, Sec. 10, unsurveyed, Sec. 15, unsurveyed, Sec. 16, Sec. 21, Sec. 22, unsurveyed, Sec. 27, unsurveyed,

Sec. 33. T. 27 S., R. 8 E., Sec. 4, Sec. 5, Sec. 8,

Sec. 9, Sec. 17, Sec. 20.

Sec. 28,

T. 28 S., R. 8 E., Sec. 5.

No. 124---4

5194 NOTICES

Total area approximately 2,340 acres more or less.

Maps showing the location of the road are available for inspection in the Land Office, Bureau of Land Management, 809 Northeast Sixth Avenue, Portland, Oregon; and in the Forest Service Office, Deschutes National Forest, Bend, Oregon.

VIRGIL T. HEATH, State Supervisor.

[F.R. Doc. 59-5248; Filed, June 24, 1959; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 10624]

LAURENTIAN AIR SERVICES LTD. Notice of Hearing

In the matter of the application of Laurentian Air Services Limited for an extension of its Foreign Air Carrier Permit to perform operations of a casual, occasional or infrequent nature, in common carriage, into the United States.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a hearing in the above-entitled proceeding is assigned to be held on July 8, 1959, at 10:00 a.m., e.d.s.t., in Room 513, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., June 22, 1959.

[SEAL]

Francis W. Brown, Chief Examiner.

[F.R. Doc. 59-5277; Filed, June 24, 1959; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDU-CATION, AND WELFARE

Social Security Administration
THE PHILIPPINES

Finding Regarding Foreign Social Insurance and Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death, and individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence presented by The Philippines with respect to the social insurance or pension system of such country, from which evi-

dence it appears that such country does not have a social insurance or pension system of general application in such country which pays periodic benefits, or the actuarial equivalent thereof, on account of old age, retirement, or death.

Accordingly, it is hereby determined and found by the Commissioner of Social Security that The Philippines does not meet the requirements of the aforesaid section 202(t) (2) of the Social Security Act.

Dated: June 17, 1959.

[SEAL] W. L. MITCHELL, Commissioner of Social Security.

Approved: JUNE 19, 1959.

E. L. RICHARDSON, Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 59-5264; Filed, June 24, 1959; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12179 etc. FCC 59-583]

RADIO ST. CROIX, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated

In re applications of Radio St, Croix, Incorporated, New Richmond, Wisconsin et al., Docket No. 12179, File No.BP-10925, Docket Nos. 12181, 12786, 12788, 12789, 12791, 12792, 12794, 12795, 12796, 12797, 12798, 12799, 12800, 12801, 12802, 12803, and 12805; Reverend Stuart P. Noordyk, Fremont, Michigan, Docket No. 12905, File No. BP-12639; Requests: 1550 kc, 1 kw, Day; Air Capitol, Inc., Madison Wisconsin, Docket No. 12906, File No. BP-12881; Requests: 1550 kc, 5 kw, DA-Day; Herbert S. Laufman, tr/as Des Plaines-Arlington Broadcasting Co., Des Plaines-Illinois, Docket No. 12907, File No. BP-12883; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 17th day of June. 1959:

The Commission having under consideration the above-captioned and de-

scribed applications:

It appearing that by an Order adopted March 4, 1959, and released on March 10, 1959, the Commission designated for hearing in a consolidated proceeding the above-captioned applications of Radio St. Croix, Incorporated, et al., Docket Nos. 12179, et al.; and that the last three above-captioned and described applications were timely filed and, therefore, are entitled to be consolidated in the said hearing, pursuant to the provisions of § 1.106 of the Commission rules; and

It appearing that except as indicated by the issues specified below, Reverend Stuart P. Noordyk, Air Capitol, Inc. and Des Plaines-Arlington Broadcasting Co. are legally, technically, financially, and otherwise qualified to construct and operate their instant proposals; and

It further appearing that pursuant to section 309(b) of the Communications

Act of 1934, as amended, the Commission, in a letter dated April 9, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicants filed timely replies to the aforementioned letter, but that the replies did not eliminate entirely the grounds and reasons which preclude grants of the applications at this time and which require an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the applications of Reverend Stuart P. Noordyk, Air Capitol, Inc. and Des Plaines-Arlington Broadcasting Co. are consolidated for hearing in the proceeding in Docket Nos. 12179 et al., at a time and place to be specified in a subsequent Order, upon the following issues, which are hereby added to the issues set forth in the Commission's aforesaid Order of March 4, 1959, after deleting issues 18 through 20 contained therein, and re-numbering the issues in the said Order as hereinafter set forth:

18. To determine whether the instant proposal of Des Plaines-Arlington Broadcasting Co. would involve objectionable interference with Station WBEE, Harvey, Illinois, or any other existing standard broadcast, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

19. To determine whether the interference received from any of the other proposals herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of the instant proposals of Reverend Stuart P. Noordyk, Air Capitol, Inc. and Des Plaines-Arlington Broadcasting Co., in contravention of § 3.28(c) (3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

20. To determine whether the antenna system proposed by Air Capitol, Inc. and Des Plaines-Arlington Broadcasting Co. would constitute a hazard to air navigation.

21. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would best provide a fair,

efficient and equitable distribution of radio service.

22. To determine on a comparative basis which of the competing applicants. if any, for the community or communities selected as having the greater need pursuant to section 307(b), would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposal of each with respect to the management and operation of the proposed station.

(c) The programming services proposed in each of the said applications.

23. To determine in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

It is further ordered, That the proposals of Reverend Stuart P. Noordyk, Air Capitol, Inc. and Des Plaines-Arlington Broadcasting Co. are hereby included in Issues 2 and 4 of the Commission's aforesaid Order of March 4, 1959.

It is further ordered, That this Order supplements the Commission's Order of March 4, 1959, designating for hearing the first eighteen above captioned applications (Radio St. Croix, Incorporated, et al.).

It is further ordered, That Rollins Broadcasting, Inc., licensee of Station WBEE, Harvey, Illinois, is made a party to the proceeding with respect to the existing operation of Station WBEE.

It is further ordered, That, to avail themselves of the opportunity to be heard, Reverend Stuart P. Noordyk, Air Capitol, Inc., Des Plaines-Arlington Broadcasting Co. and Rollins Broadcasting, Inc., pursuant to section 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance, stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 19, 1959.

FEDERAL COMMUNICATIONS COMMISSION. [SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-5268; Filed, June 24, 1959; [F.R. Doc. 59-5270; Filed, June 24, 1959; 8:51 a.m.]

[Docket No. 12771 etc.; FCC 59M-786]

GOLDEN GATE CORP. ET AL.

Order Continuing Hearing

In re applications of Golden Gate Corporation, Providence, Rhode Island, Docket No. 12771, File No. BP-11945; Lorraine S. Salera, Arthur L. Movsovitz, and Edson E. Ford d/b as Bristol County Broadcasting Co., Warren, Rhode Island, Docket No. 12772, File No. BP-11407; Radio Rhode Island, Inc., Providence, Rhode Island, Docket No. 12773, File No. BP-12383; Camden Broadcasting Company, Inc., Providence, Rhode Island, Docket No. 12784, File No. BP-12836; for construction permit for new standard broadcast stations.

The Hearing Examiner having under consideration a motion for continuance filed by Golden Gate Corporation on June 16, 1959;

It appearing that the hearing is currently scheduled to commence on June 23, 1959; and

It further appearing that an informal conference was held to discuss the pending petition on June 18, at which time it was evident that a short continuance would be beneficial to more than one party and that it would serve administrative convenience;

It is ordered, This 18th day of June 1959, that the motion for continuance of Golden Gate Corporation is granted and the hearing is continued from June 23 to June 29, 1959.

Released: June 19, 1959.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] MARY JANE MORRIS. Secretary.

[F.R. Doc. 59-5269; Filed, June 24, 1959; 8:51 a.m.]

[Docket No. 12878; FCC 59M-794]

PINE TREE TELECASTING CORP. (WPTT)

Order for Prehearing Conference

In re application of Pine Tree Telecasting Corporation (WPTT), Augusta, Maine, Docket No. 12878, File No. BMPCT-4662; for modification of construction permit.

A prehearing conference in the aboveentitled proceeding will be held on Wednesday, June 24, 1959, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 19th day of June 1959.

Released: June 22, 1959.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION. MARY JANE MORRIS,

Secretary.

[Docket No. 12908; FCC 59-584]

LAIRD BROADCASTING CO., INC. (KHAK)

Memorandum Opinion and Order **Designating Application for Hear**ing on Stated Issues

In reapplication of Laird Broadcasting Company, Inc. (KHAK), Cedar Rapids, Iowa, Docket No. 12908, File No. BP-11855; Requests: 1360 kc, 1 kw, DA, Day; for construction permit for standard broadcast station.

1. The Commission has before it (a) a "Protest and Petition for Reconsideration" filed May 22, 1959, pursuant to sections 309(c) and 405 of the Communications Act of 1934, as amended, and §§ 1.191 and 1.193 of the Commission rules by Telegraph Herald (hereinafter KDTH), licensee of KDTH, Dubuque, Iowa (1370 kc, 1 kw, DA-N, U), directed to the Commission's action of April 22, 1959, granting without hearing the above-captioned and described application of the Laird Broadcasting Company, Inc. (hereinafter KHAK) for a new standard broadcast station at Cedar Rapids, Iowa; (b) an opposition thereto filed by KHAK on June 1, 1959; and (c) a reply to the opposition filed June 8, 1959, by KDTH.

2. KDTH here requests that the Commission (a) "set aside, postpone and reconsider" its action of April 22, 1959; (b) designate the KHAK application for hearing; and (c) name the protestant a party to the proceeding.

3. KDTH claims standing as "a party in interest" and "a person aggrieved or whose interests are adversely affected" within the meaning of sections 309(c) and 405, respectively, of the Communications Act of 1934, as amended, on the ground that the operation of KHAK would cause objectionable interference within the normally protected primary service area of KDTH, and, therefore, the grant of the KHAK application has resulted in a modification of the license of KDTH.

4. In support of its contention that KHAK would cause objectionable interference to KDTH, the protestant submits measurements made on radials bearing 229 and 238 degrees true from KDTH which indicate that the proposed KHAK 0.5 mv/m contour penetrates the 0.5 mv/m contour of KDTH resulting in adjacent channel interference to KDTH in a rural area of 17 square miles in

which approximately 374 persons reside.

5. KDTH requests that a hearing be held to determine the areas and populations which would receive primary service from the proposed operation of KHAK; whether the proposed operation of KHAK would cause objectionable interference to Station KDTH or any other standard broadcast station; the need for the proposed service as compared to the need for the KDTH service lost due to interference; whether the directional antenna pattern proposed by KHAK may be adjusted to avoid interference to KDTH and, if so, whether such adjustment should be ordered; and whether the Laird Broadcasting Company, Inc., is 5196 NOTICES

financially qualified to construct and operate the proposed station.

6. In support of its request that a determination be made in a hearing proceeding as to whether the permittee of KHAK is financially qualified to construct and operate KHAK, KDTH alleges that KHAK proposes an installation estimated to cost some \$34,000 and proposes to finance such cost by deferred payments on equipment, existing capital, a loan from an individual third party and operating profits; that the applicant's balance sheet for Station WDUX, Waupaca, Wisconsin, of which the applicant is licensee, shows current assets of \$17,000 and current liabilities of \$11,000, very little of which could be diverted to finance construction of the Cedar Rapids station "without strapping the company of working capital, particularly when it is noted that the Current Assets include an item of \$3,500 prepaid on the Cedar Rapids application which is apparently not convertible into cash"; that the applicant further relies on a proposed loan of \$15,000 from a third party, the sole stockholder's husband, whose ability to advance this amount from his personal funds has not been shown nor was there submitted an agreement by which a financial institution obligated itself or made a definite commitment to make a loan to the applicant or to the sole stockholder's husband as required by section III. paragraph 4(h), of FCC Form 301; that the balance sheets submitted with the application appear to contradict the applicant's statement that its income for each of the past two years has been in excess of \$10,000; and that, from the balance sheets it appears that no substantial amount of earnings may be relied upon to finance the construction.

7. In KHAK's opposition to the protest and petition for reconsideration of KDTH, KHAK concedes that, on the basis of the measurements submitted by KDTH, the proposed KHAK operation would cause objectionable interference to KDTH and that KDTH has standing to protest and is entitled to a hearing. However, with respect to the KDTH request that the effective date of the grant of the KHAK application be postponed. KHAK states that the interference, to KDTH is de minimis; that a substantial population would gain a new service from KHAK: that it is clear from past Commission decisions that there is little likelihood of KDTH prevailing on the merits: that in view thereof, the Commission, in its discretion, "should deny the requested stay of the effective date of construction"; that a stay of construction is not necessary to protect KDTH's rights; that, in the event the hearing on the merits is not decided by the time KHAK is ready to commence operation, the Commission could then entertain a petition by KDTH for stay; that a stay of construction at this time would only serve to delay the ultimate establishment of a new service; and that, under the circumstances of this case, a stay is clearlynot warranted.

8. With respect to the issue to determine the need for the proposed KHAK service as compared to the need for the

KDTH service lost due to interference, KHAK urges that the burden of proof and the burden of proceeding with the introduction of the evidence should be placed on KDTH; that if KDTH "is of the opinion * * * that there are some facts which somehow would prove that it would be more in the public interest to protect its 374 listeners than to provide a new service to 136,801 persons, then it rightfully should assume the burden of proving this proposition which it seeks to place in issue."

9. With respect to the request of KDTH that a determination be made as to whether the proposed KHAK directional antenna may be adjusted to avoid interference to 374 persons, KHAK states that KDTH sets forth no facts which would indicate that such an adjustment of the proposed pattern is technically feasible; that, at most, the request smacks of a "fishing expedition"; that studied consideration has been given by KHAK's engineering consultant to the numerous allocation problems involved in the use of 1360 kilocycles at Cedar Rapids and that his conclusion is that the proposed four element directional antenna is an efficient use of the channel in Cedar Rapids; that if KDTH believes that an adjustment of the proposed KHAK antenna pattern can be made to avoid interference to 374 persons in the KDTH service area, and yet permit KHAK to provide a 5 mv/m signal to all of Cedar Rapids, comply with § 3.28(c) of the Commission rules (ten percent rule) and avoid interference to other existing stations, then the burden of proceeding with the introduction of the evidence on this matter should be on

10. With respect to the KDTH contention that KHAK is not financially qualified, KHAK states that, assuming that KHAK would commence approximately five months after shipment of equipment to be purchased with deferred payments. it is evident that as of the time the station would be fully constructed, the cash requirement is only \$15,300; that in order to defray this cost, KHAK has available a loan of \$15,000 from Ben A. Laird, husband of Mrs. Dorothy Laird, sole stockholder of KHAK; that the letter from the Wisconsin State Bank filed with the KHAK application on March 16, 1959, expressing the bank's willingness to loan \$15,000 to Mr. Laird is reasonable assurance of the availability of that sum; that. in order to resolve any question as to the good faith of the Wisconsin State Bank in its proposal, there is attached to the KHAK opposition a confirmatory letter from the bank substantiating the ability of Mr. Laird to obtain this loan if he needs it; that a personal balance sheet of Mr. Laird is attached to the KHAK opposition as further evidence of his ability to advance the necessary funds to his wife's company; that KHAK has available a loan of \$5,000 from the Green Bay Broadcasting Company, licensee of Station WDUZ, Green Bay, Wisconsin, of which Mr. Laird is majority stockholder; and that KHAK relies on assets and profits from Station WDUX for working capital and that the balance sheets of WDUX as of December 31, 1958,

and April 30, 1959, indicate that ample funds are available for working capital,

11. In its reply to the KHAK opposition, KDTH states, in substance that the public interest does not require that the grant of the KHAK application remain in effect pending the Commission's decision after hearing and that the burden of proof with respect to each issue specified by KDTH should be placed on KHAK. With respect to the request that the financial qualifications of KHAK be placed in issue with the burden of proof on KHAK, KDTH states in its reply that KHAK does not attempt to meet the challenge to its financial showing by relying on its financial showing in the application but "undertakes to meet the financial issue by ex parte representations without opportunity to protestant to test them in the crucible of crossexamination"; that Mr. Laird's arrangements to secure a bank loan are still tentative; that it appears from KHAK's opposition and the balance sheets that monies withdrawn by the sole stockholder as salary were deducted on the books of the company as expenses, but that such deductions should not have. been made; that it does not appear that a quorum was present at the meeting of the WDUZ directors at which a resolution was passed authorizing a loan of \$5,000 to the applicant; and that it does not appear that, under Wisconsin law, the Green Bay Broadcasting Company (WDUZ) is authorized to make loans except for corporate purposes.

12. The measurements submitted by KDTH appear to be satisfactory in accordance with the requirements of the Commission rules and to indicate that objectionable interference, as defined in the Commission rules, will be caused to KDTH. Accordingly, we find that KDTH is a party in interest and person aggrieved within the meaning of sections 309(c) and 405 of the Communications Act of 1934, as amended, to have standing to file the instant pleading pursuant to said sections. We find also that KDTH has specified with sufficient particularity the facts relied upon as showing that some electrical interference would be caused to KDTH to require our designating the KHAK application for hearing pursuant to section 309(c). Section 316 of the act requires a hearing before the modification of license of an existing station. Moreover, there are three standard broadcast stations, WMT, KPIG, and KCRG, presently licensed to serve Cedar Rapids. Section 309(c) provides, in pertinent part, that "the effective date of the Commission's action * * * shall be postponed to the effective date of the Commission's decision after hearing, unless * * * the Commission affirmatively finds for reasons set forth in the decision, that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing." In view of the three existing standard broadcast stations now serving Cedar Rapids, we are unable affirmatively to find that the public interest requires that the grant of the KHAK application remain in effect. Therefore, the effective date of the Commission's action here in question will be postponed to the effective date of the Commission's decision in the hearing proceeding hereinafter ordered.

13. We are adopting Issues 1, 2 and 3 as specified by KDTH, relative to areas and populations served by KHAK, whether the operation of KHAK would cause objectionable interference within the normally protected primary service area of Station KDTH and the need of the proposed service as compared to the need for the KDTH service lost due to interference. The burden of proceeding with the introduction of evidence and the burden of proof on these issues will be on KHAK.

14. With respect to the issue proposed by KDTH to determine whether the proposed directional antenna pattern of KHAK may be adjusted to avoid interference to KDTH, and, if so whether such adjustment should be ordered, KDTH does not suggest in what manner KHAK might modify its proposed directional antenna to avoid interference to KDTH. Therefore, we are including such an issue as proposed by KDTH, but we are not adopting the issue, and the burden of proceeding with the introduction of evidence and the burden of proof will be on KDTH. Our inclusion of this issue does not constitute a finding that it is relevant and material.

15. With respect to KDTH's request to put in issue the financial qualifications of KHAK, we find that KDTH has specified with sufficient particularity the facts relied upon as showing that KHAK is not financially qualified. However, we do not find that the allegations of KDTH alter our original determination that KHAK has available sufficient funds to meet the costs of construction and initial operation of the proposed station. Therefore, we are including a financial issue, but we do not adopt the issue. Accordingly, the burden of proceeding with the introduction of the evidence. and the burden of proof with respect to the financial issue will be on KDTH.

16. In view of the foregoing: It is ordered, That, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the instant Protest and Petition for Reconsideration is granted to the extent provided for below, and in all other respects, is denied; that the abovecaptioned application of the Laird Broadcasting Company, Inc., is designated for evidentiary hearing on the issues specified below; and that the effective date of the grant of said applicacation is postponed pending the effective date of a final decision in the hearing provided for below:

1. To determine the areas and populations which would receive primary service from the proposed operation and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause objectionable interference to Station KDTH, Dubuque, Iowa, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary to such areas and populations.

3. To determine the need for the proposed service as compared to the need for the KDTH service lost due to interference.

4. To determine whether the Laird Broadcasting Company, Inc., is financially qualified to construct and operate its proposed station.

5. To determine whether the directional antenna pattern proposed may be adjusted to avoid interference to Station KDTH, and if so, whether such adjustment shall be ordered.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-captioned application would serve the public interest, convenience and necessity.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof as to Issues 1, 2 and 3 shall be on KHAK; and the burden of proceeding with the introduction of evidence and the burden of proof as to Issues 4 and 5 shall be on KDTH.

It is further ordered, That Telegraph Herald is hereby made a party to the proceeding herein and that:

1. The appearances by the parties intending to participate in the above hearing shall be filed not later than July 10. 1959.

2. The hearing on the above issues shall commence at a time and place and before an Examiner to be specified in a subsequent order.

3. The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions.

Adopted: June 17, 1959. Released: June 22, 1959.

FEDERAL COMMUNICATIONS COMMISSION, [SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-5271; Filed, June 24, 1959; 8:51 a.m.]

[Docket Nos. 12909, 12910; FCC 59-585]

KSOO TV, INC. (KSOO-TV)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: KSOO TV, Inc. (KSOO-TV) Sioux Falls, South Dakota, Docket No. 12909, File No. BMPCT-5168: for modification of construction permit; KSOO TV, Inc. (KSOO-TV), Sioux Falls, South Dakota, Docket No. 12910. File No. BMPCT-5185; for extension of construction permit.

At a session of the Federal Communications Commission held at its offices nent Broadcasting Co. in its Petition re-

in Washington, D.C. on the 17th day of June 1959:

The Commission having under consideration (1) the above-captioned applications; (2) the "Petition to Designate Application for Hearing" directed against the modification application (BMPCT-5168), filed by Midcontinent Broadcasting Co., licensee of Station KELO(AM) and KELO-TV, Sioux Falls, South Dakota; (3) The Commission's letter of January 21, 1959, to the above-named applicant; (4) the reply to said letter filed on February 19, 1959, by the applicant; and (5) an opposition thereto filed on February 27, 1959, by Midcontinent Broadcasting Co.; and

It appearing that the original construction permit for Station KSOO-TV was granted on July 18, 1957; that the last extension granted required completion of construction by September 18, 1958; that the above-captioned application for extension of completion date was filed on September 17, 1958; and that, to date, no construction has been commenced; and

It further appearing that on August 18, 1958, the above-captioned application (BMPCT-5168) for modification of construction permit was filed; that in said application authority is requested to change the transmitter site of Station KSOO-TV from a point 9 miles east of Sioux Falls to a point approximately 33 miles north northeast of Sioux Falls, to increase the visual effective radiated power from 28.9 kw to 316 kw, to increase the antenna height above average terrain from 540 to 1060 feet, to change type transmitter and antenna, and to make other equipment changes; and

It further appearing that concurrent with the filing of the application for modification, there was filed with the Commission a letter agreement between Morton H. Henkin, President and majority stockholder of KSOO-TV, Inc. and Tom Barnes, Earl Reineke, Julius Hetland and Harold Bangert, known as the Fargo Group; that the agreement provides for the acquisition, immediately, by the Fargo Group of 49 percent of the stock of KSOO-TV, Inc. plus an option to acquire up to 66% percent; that in consideration therefor the Fargo Group is to provide all the monies necessary for construction of KSOO-TV as proposed in the modification application; that an equipment company has been formed which company will purchase all the equipment required for the modified proposal; that said equipment company will lease to KSOO-TV, Inc. the equipment for operation of KSOO-TV; that Morton H. Henkin will acquire, without cost to him, 51 percent of the stock of the equipment company fully paid; that Morton H. Henkin will retain, and, in no event, will he ever own less than 331/3 percent of the outstanding capital stock of KSOO-TV, Inc.; and that Morton H. Henkin will receive an administrative fee of not less than \$500 and up to \$1500 per month, which fee is assignable in whole or in part; and

It further appearing that Midconti-

quests that the modification application be designated for hearing upon specified issues: that Midcontinent alleges that the entire tenor of the letter agreement between Morton H. Henkin and the Fargo Group reflects an interest on the part of Morton H. Henkin to profit from the sale of control of KSOO-TV rather than a desire to render a public service which constitutes trafficking, in view of the fact that there has been no construction and that the monies expended by Morton H. Henkin are out of all proportion to the benefits to be received under the terms of the agreement; that by virtue of the letter agreement Morton H. Henkin has relinquished control of KSOO-TV, Inc., without Commission approval; that KSOO-TV, Inc. is not financially qualified; that there have been misrepresentations to the Commission as to programming, financial condition, ownership and as to the reasons for failure to construct in requesting the first extension: and

It further appearing, that in its letter of January 21, 1959, the Commission notified the above-named applicant that it was unable to find that the applicant had been diligent in proceeding with the construction of Station KSOO-TV, or that it had been prevented from proceeding with construction by causes beyond its control so as to justify a further extension; and that unless a hearing on the extension application (BMPCT-5185) was requested, said application would be dismissed and the construction permit for Station KSOO-TV would be cancelled; and

It further appearing that, in said letter the applicant was also notified, pursuant to section 309(b) of the Communications Act of 1934, as amended, that the Commission was unable to find that a grant of the application (BMPCT-5168) for modification of construction permit would serve the public interest; of the necessity for a hearing; and was advised of all objections to the application and afforded an opportunity to reply; and

It further appearing that on February 19, 1959, the above-named applicant, by Morton H. Henkin, President, filed a reply to the Commission's letter of January 21, 1959; and that in said reply set forth facts and arguments in support of a grant, without hearing, of the above-captioned applications; and

It further appearing that upon due consideration of the above-captioned applications, the amendments thereto and the reply to the Commission's letter, no facts or arguments have been submitted which warrant grant of the applications without hearing; that the Commission is unable to determine that a grant of the above-captioned applications would be in the public interest; that the applicant has requested a hearing with respect to its application for extension; that pursuant to section 309(b) of the Communications Act of 1934, as amended, a hearing is necessary with respect to the application (BMPCT-5168) for modification of construction permit; that with respect to the extension application (BMPCT-5185), no questions are raised except as to the matters involved in issue "1" below; that with respect to the

modification application (BMPCT-5168) the Commission finds that KSOO-TV, Inc. is legally and technically qualified to construct, own and operate Station KSOO-TV, as proposed, and is otherwise qualified except with respect to issues "2", "3" and "4" below;

It is ordered, That the above-captioned

It is ordered, That the above-captioned application (BMPCT-5185) for extension of construction permit is designated for hearing; that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned application (BMPCT-5168) for modification of construction permit is designated for hearing; that the petition of Midcontinent Broadcasting Co. is granted to the extent provided for below;

It is further ordered, That the hearing herein ordered shall commence at a time and place to be specified in a subsequent order upon the following issues:

1. To determine whether KSOO-TV, Inc. has been diligent, in proceeding with construction of Station KSOO-TV Sioux Falls, South Dakota, as authorized by the construction permit granted July 18, 1957 (BPCT-2195), or has been prevented from so doing by causes not under its control.

2. To determine in view of all the facts and circumstances surrounding the execution of the agreement between Morton H. Henkin and the Fargo Group, whether Mr. Henkin acquired the construction permit for the purpose of reselling at a profit rather than for the purpose of rendering a public service and whether, if this be so, such fact constitutes trafficking.

3. To determine whether the agreement between Morton H. Henkin and the Fargo Group has, in fact, resulted in an unauthorized relinquishment of control of KSOO-TV, Inc.

4. To determine whether KSOO-TV, Inc. is financially qualified to construct, own and operate, KSOO-TV as proposed in the above-captioned application (BMPCT-5168).

5. To determine in light of the evidence adduced pursuant to the foregoing issues whether a grant of the above-captioned applications would serve the public interest, convenience and necessity.

It is further ordered, That Midcontinent Broadcasting Co. is hereby made a party to the above proceeding.

It is further ordered, That to avail themselves of the opportunity to be heard, KSOO-TV, Inc. and Midcontinent Broadcasting Co., pursuant to § 1.140(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: June 22, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5272; Filed, June 24, 1959; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Project 2246]

COUNTY OF YUBA, GREATER YUBA RIVER WATER AND POWER DEVEL-OPMENT

Notice of Land Withdrawal; California

JUNE 19, 1959.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power project No. 2246 for which complete application for preliminary permit was filed May 20, 1958. Under said section 24 all lands of the United States lying within the boundaries of the project as delimited on map exhibits filed in support thereof are from said date of filing reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MOUNT DIABLO MERIDIAN

```
Acquired Lands:
Acquired Lanus.
T. 14 N., R. 6 E.,
Sec. 2: Lot 4, S½NW¼, SW¼, W½SE¼;
Sec. 3: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 4: Lots 1, 2, SE½NE¼, NE¼SE¼;
Sec. 10: NE¼NW¼;
Sec. 11: W½NE¼, NE¼NW¼.
 T. 15 N., R. 6 E.,
    Sec. 4: Lots 1, 2, 7, 8, 13, E1/2 SW1/4, W1/2 SE1/4;
    Sec. 8: SE¼SW¼, S½SE¼;
Sec. 9: Lots 1, 2, 3, 4, E½NW¼, NE¼SW¼;
     Sec. 16: Lots 1, 2, 3, 4, E1/2 W1/2, W1/2 SE1/4;
     Sec. 17: E1/2, E1/2 W1/2;
    Sec. 20: E½, E½NW¼
    Sec. 21: Lots 1, 2, 3, 4, E½ W½, E½;
Sec. 22: SW¼NE¼, S½NW¼, SW¼, W½
    SE¼;
Sec. 23: SE¼;
    Sec. 25: Lots 1, 2, W1/2NW1/4, N1/2SW1/4,
    SW 4 SE 4, Mineral Lot 43;
Sec. 26: Lots 1, 2, 3, 4, NE 4, NW 4 NW 4,
S½NW 4, NE 4 SE 4, part of Mineral Lot
39, Mineral Lot 42A;
    Sec. 27: All.
    Sec. 28: Lots 1, 2, 3, 4, E½ W½, E½;
Sec. 29: E½ NE½;
Sec. 33: Lots 1, 2, E½ W½, E½;
    Sec. 34: All;
    Sec. 35: Lots 1, 2, S1/2 NE1/4, W1/2, SE1/4; Part
    of Mineral Lot 39, Mineral Lot 42B;
Sec. 36: N½N½, SW¼NW¼, NW¼SW¼.
 T. 16 N., R. 6 E.,
Sec. 32: NE¼ NE¼;
    Sec. 33: Part of SW 4SE 14.
    Public Lands:
 T. 16 N., R. 6 E.,
    Sec. 14: Lot 4;
    Sec. 27: Lot 7;
    Sec. 34: Lots 8, 9, 10,
T. 17 N., R. 7 E.,
Sec. 10: W½NW¼.
 T. 18 N., R. 7 Ē.,
    Sec. 1: Lots 1, 2;
    Sec. 2: Lots 1, 4; SE¼NW¼, NE¼SE¼;
Sec. 11: SE¼SW¼;
Sec. 12: Lots 1, 2, 3, 4, NE¼NW¼, S½SW¼;
    Sec. 13: Lots 3, 4;
   Sec. 13: Lots 3, 4;
Sec. 14: NE¼, E½NW¼, E½SE¼;
Sec. 23: SW¼NE¼;
Sec. 24: Lot 4, SW¼NE¼, E½E½NW¼,
W½W½NW¼, W½NW¼SW¼;
    Sec. 26: W½NE¼;
Sec. 34: NE¼NE¼, S½NE¼, N½SE¼, SE¼
SE¼.
T. 19 N., R. 7 E.,
    Sec. 13: SE¼SW¼;
Sec. 24: NE¼NE¼, NE¼NW¼, SE¼SW¼;
```

Sec. 25: E½NW¼, W½SW¼; Sec. 26: E½SW¼, SE¼, NE¼NE¼; Sec. 35: E½; Sec. 36: S½SW¼. T. 18 N., R. 8 Ē., Sec. 3: W1/2SW1/4; Sec. 4: Lot 5, S½SE¼NE¼, SW¼NW¼, SW¼SW¼,SE¼; Sec. 6: S½ Lot 4, Lots 5, 6, S½NE¼, SE¼ NW¼, W½E½SW¼, E½W½SE¼, E½ SE1/4

SE',; Sec. 7: Lots 1, 2, 3, 4, E½W½, E½; Sec. 8: Lot 1, NE¼, N½NW¼, SW¼NW¼, W½SW¼, NW¼SE¼; Sec. 9: Lots 1, 2, 3, 4, NW¼NE¼, SE¼SW¼;

Sec. 10: SE1/4SE1/4;

Sec. 14: NW ¼ NW ¼; Sec. 15: W ½ SE ¼ NE ¼, SE ¼ NW ¼; Sec. 16: NW ¼ NW ¼; Sec. 17: SE1/4NE1/4, N1/2NW1/4, SW1/4NW1/4, N1/251/2;

Sec. 18: Lots 1, 2, 3, 4, E1/2W1/2, NE1/4, N1/2 SE14, SW14SE14; Sec. 19: Lot 1, NE14NW14;

Sec. 20: S½NE¼, S½; Sec. 22: W½NE¼, S½; NE¼, N½SW¼SW¼NE¼, NW¼SW¼ SW¼NE¼, NW¼, N½SW¼, SW¼SW¼, NE¼SE¼;

Sec. 26: NW 1/4 NE 1/4, S1/2 NE 1/4, SW 1/4 NW 1/4, NW1/4SW1/4, S1/2SW1/4, SE1/4;

Sec. 27: N1/2SW1/4SE1/4; Sec. 28: All:

Sec. 29: NE¼NW¼, SW¼NW¼;

Sec. 30: NW1/4NE1/4, S1/2NE1/4; Sec. 32: NE1/4;

Sec. 36: Lot 1, SW1/4SW1/4. T. 19 N., R. 8 E.,

Sec. 3: SW1/4NE1/4, E1/2SW1/4, W1/2SE1/4; Sec. 7: Lot 4; Sec. 8: NE14, S1/2NW1/4, N1/2S1/2;

Sec. 9: S½NE¼, NW¼, S½; Sec. 10: W½NE¼, W½, S½SE¼;

Sec. 11: SE¼NW¼, NE¼SW¼, S½SW¼, W1/2SE1/4; Sec. 13: SW1/4NE1/4, S1/2NW1/4, N1/2SW1/4,

Sec. 14: NE¼, N½NW¼, SE¼NW¼, N½ SE1/4; Sec. 15: N1/4:

Sec. 16: NW¼NE¼, S½NE¼, NE¼NW¼; Sec. 18: Lots 1, 2, 3, 4;

Sec. 24: N1/2NE1/4, SE1/4NE1/4.

T. 18 N., R. 9 E., Sec. 19: S½ Lot 8, Lots 10, 11, 12, S½ SE¼; Sec. 30: Lots 3, 4, 5, 6, 11, 12, 13, 14, NE¼; T. 19 N., R. 9 E.,

Sec. 18: Lots 3, 4, 51/2 Lots 5 and 8; Sec. 19: Lots 1, 2, 6, N1/2 Lot 7.

The area reserved by the filing of this application is approximately 21,245.57 acres of which approximately 9,097.45 acres are acquired lands within the Beale Air Force Base. Of the total area approximately 11,852.53 acres are within the Tahoe or Plumas National Forests and approximately 10,208.64 acres of Public Lands have been heretofore reserved for power purposes in connection with Projects Nos. 187, 631, 1291, 1403, Power Site Classification Nos. 183, 425 or Power Site Reserve No. 88. Also, approximately 8,371.28 acres of the acquired lands are included in project

Copies of map Exhibits "H" (FPC No. 2246-1) and "I" (PFC No. 2246-2) are being transmitted to Bureau of Land Management, Geological Survey, Department of Defense, General Services Administration and Forest Service.

> JOSEPH H. GUTRIDE. Secretary.

[F.R. Doc. 59-5237; Filed, June 24, 1959; 8:46 a.m.]

[Docket No. G-18392]

EAST TENNESSEE NATURAL GAS CO. Notice of Application and Date of Hearing

JUNE 19, 1959.

Take notice that on April 27, 1959, supplemented on May 25, 1959, East Tennessee Natural Gas Company (Applicant) filed in Docket No. G-18392 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of two lateral transmission pipelines and appurtenant facilities and the sale of natural gas for resale for ultimate distribution to the presently unserved communities of Jefferson City, Dandridge, White Pine, and Newport and adjacent areas, in Jefferson and Cocke Counties, Tennessee, all as more fully set forth in the application and supplement which are on file with the Commission and open to public inspection.

Applicant proposes to deliver and sell gas to the newly created Public Utility District of Jefferson and Cocke Counties (Utilities District) for distribution in the above-named communities through the following facilities:

(A) 5.02 miles of $4\frac{1}{2}$ -inch O.D. lateral pipeline extending northwesterly from a proposed tap and measuring station on Applicant's existing main 16-inch transmission pipeline in Jefferson County to a proposed delivery point to the Utilities District near Jefferson City. The estimated cost of these facilities is \$98,932. The estimated requirement of the Utilities District at this point to serve Jefferson City and Dandridge and environs on the third year peak day is a maximum of 1,961 Mcf under a gas sales contract between Applicant and the Utilities Dis-

trict dated April 1, 1959. (B) Approximately 13 miles of 6%inch O.D. lateral pipeline extending southeasterly from a proposed tap and measuring station on Applicant's existing main 16-inch transmission pipeline in Hamblin County to Utilities District's proposed facilities at Newport and White Pine. The estimated cost of these facilities is \$320,060. The estimated requirement of the Utilities District at this point to serve Newport and White Pine and environs on the third year peak day is a maximum of 2,927 Mcf under a gas sales contract between Applicant and the

Utilities District dated April 1, 1959. The Utilities District estimates its total requirements to be supplied by Applicant as follows:

	1st year	2d year	3d year
Annual (Mcf)	656, 904	718,271	752, 643
Peak day (Mcf)	3, 723	4,479	4, 888

The total estimated cost of the facilities to be constructed by Utilities District for the receipt, distribution and sale of gas under this project is \$2,180,000, including overheads and contingencies.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 23, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: Provided, however, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 13, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

> JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 59-5239; Filed, June 24, 1959; 8:46 a.m.]

[Docket No. G-9548, etc.]

MURPHY CORP. ET AL.

Order Granting Motion To Modify the Order Instituting Investigation, and **Consolidating Proceedings**

JUNE 19, 1959.

In the matters of Murphy Corporation, et al., Docket Nos. G-9548, G-9550, G-11366, G-11367, G-13428, G-16613, G-16328; Murphy Corporation, Docket Nos. G-11160, G-13429, G-13432, G-14933, G-16614; Murphy Corporation (Operator), et al., Docket No. G-16323; Murphy Corporation, Docket No. G-18357.

On April 28, 1959, we issued an order in the above-entitled proceedings entitled "Order Instituting Investigation, Granting Motion to Consolidate Proceedings, and Consolidating Additional Proceedings" wherein we set forth, inter alia, a procedure to be followed by the Presiding Examiner when the hearing reconvened on June 23, 1959. On May 26, 1959, Murphy Corporation (Murphy) filed a motion requesting the Commission to modify the hearing procedure set forth in the aforesaid order issued April 28, 1959 as follows:

(1) Any amended exhibits and additional testimony which the Staff wishes to present in support of the section 5(a) proceeding instituted by the Commission shall be served at least five days prior to the hearing, or if such testimony and exhibits are not served, then the initial hearing shall be only for the purpose of cross-examining the testimony which previously has been presented by the Staff and to ask preliminary cross-examina200 NOTICES

tion with respect to any additional testimony which was not served, and

(2) Murphy shall not be required to go forward with the presentation of its rebuttal case in the section 4(e) proceeding or its direct testimony in the section 5(a) proceeding until a reasonable time, as shall be determined by the Presiding Examiner, after the completion of the Staff's direct testimony and the cross-examination thereof.

In support of its motion, Murphy stated that it would not be possible to properly cross-examine any additional testimony or exhibits of the Staff unless such exhibits and testimony are served on Murphy at least five days in advance of the hearing as provided in § 1.20(h) of the Commission's rules of practice and procedure. Murphy further stated that, in order to properly prepare its rebuttal evidence "in the section 4(e) proceeding and also its direct case in the section 5(a) proceeding," it will have to know the full extent of Staff's testimony and exhibits and the results of the cross-examination thereof.

The Commission finds: Good cause has been shown to grant Murphy's motion for modifying the aforesaid order issued April 28, 1959 as hereinafter set forth.

The Commission orders:

- (A) Murphy's motion to modify the hearing procedure set forth in the aforesaid order issued April 28, 1959 is hereby granted and the ordering clause (E) therein is hereby amended to read as follows:
- (E) The Staff may present any necessary amended exhibits and additional testimony to encompass the proceedings not heretofore involved herein and shall serve Murphy with copies of such exhibits and testimony at least five days prior to the date on which the hearing resumes. Murphy will then proceed with cross-examination of the Staff's witnesses, including any additional exhibits or testimony served pursuant to this order. The Presiding Examiner shall then set a reasonable time to allow Murphy to present its further evidence.
- (B) In all other respects, the aforesaid order issued herein on April 28, 1959 shall remain in full force and effect.

By the Commission.

JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 59-5240; Filed, June 24, 1959; 8:46 a.m.]

[Docket No. G-18799]

CITIES SERVICE GAS CO.

Order Suspending Proposed Revised Tariff Sheets and Providing for Hearing

JUNE 19, 1959.

Cities Service Gas Company (Cities Service) on May 21, 1959, tendered for filing First Revised Sheets Nos. 11, 13, 15, 17, 18, 20, 23, 26, 28, 31, 32, 33, 36, and 37; Second Revised Sheets Nos. 22 and 30; Fourth Revised Sheets Nos. 4, 7, 8, 10, 14, and 19; and Fifth Revised Sheets Nos. 12 and 16 to its FPC Gas Tariff, Second Revised Volume No. 1 and Fourth Revised Sheet No. 27 to its FPC

Gas Tariff, Original Volume No. 2, to become effective June 23, 1959, proposing an annual increase in its rates and charges of \$10,512,300 annually or 22.9 percent over the rates in effect for the year 1958, as adjusted.

In support of the proposed increase, Cities Service has submitted actual cost data for the year 1958. Operating expenses are adjusted for March 1, 1959 wage increases and to normalize for purchase gas costs in effect December 31, 1958. Other major adjustments are a 6¾ percent rate of return with associated income tax and increases in depreciation rates.

The supporting cost data submitted by Cities Service which may be questionable includes inter alia (1) costs paid for purchased gas subject to possible refund; (2) a rate of return of 634 percent which should be justified, (3) increased depreciation rates that should be justified, (4) classification of costs as Constant and Variable rather than Demand and Commodity, (5) allocation of Demand Costs on the basis of the average 2-day peak instead of the customary 3-day peak, (6) disproportionate increases as among its various customers.

The increased rates and charges provided for in First Revised Sheets Nos. 11, 13, 15, 17, 18, 20, 23, 26, 28, 31, 32, 33, 36, and 37; Second Revised Sheets Nos. 2 and 30; Fourth Revised Sheets Nos. 4, 5, 7, 8, 10, 14, and 19; and Fifth Revised Sheets Nos. 12 and 16 to its FPC Gas Tariff, Second Revised Volume No. 1 and Fourth Revised Sheet No. 27 to its FPC Gas Tariff, Original Volume No. 2, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in First Revised Sheets Nos. 11, 13, 15, 17, 18, 20, 23, 26, 28, 31, 32, 33, 36, and 37; Second Revised Sheets Nos. 22 and 30; Fourth Revised Sheets Nos. 4, 5, 7, 8, 10, 14 and 19; and Fifth Revised Sheets Nos. 12 and 16 to its FPC Gas Tariff, Second Revised Volume No. 1 and Fourth Revised Sheet No. 27 to its FPC Gas Tariff, Original Volume No. 2, and that said proposed revised tariff sheets except First Revised Sheets Nos. 15 and 17; Fourth Revised Sheet No. 14; and Fifth Revised Sheet No. 16, which relate to industrial sales for resale only, and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules

of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Cities Service Gas Company's FPC Gas Tariff Second Revised Volume No. 1 and Original Volume Nó, 2 as proposed to be amended by First Revised Sheets Nos. 11, 13, 15, 17, 18, 20, 23, 26, 28, 31, 32, 33, 36, and 37; Second Revised Sheets Nos. 22 and 30; Fourth Revised Sheets Nos. 4, 5, 7, 8, 10, 14, and 19; and Fifth Revised Sheets Nos. 12 and 16 to Cities Service Gas Company's FPC Gas Tariff, Second Revised Volume No. 1 and Fourth Revised Sheet No. 27 to Cities Service Gas Company's FPC Gas Tariff. Original Volume No. 2.

(B) Pending such hearing and decision thereon First Revised Sheets Nos. 11, 13, 18, 20, 23, 26, 28, 31, 32, 33, 36, and 37; Second Revised Sheets Nos. 22 and 30; Fourth Revised Sheets Nos. 4, 5, 7, 8, 10, and 19; and Fifth Revised Sheet No. 12 to Cities Service Gas Company's FPC Gas Tariff, Second Revised Volume No. 1 and Fourth Revised Sheet No. 27 to Cities Service Gas Company's FPC Gas Tariff, Original Volume No. 2, be and they are each hereby suspended and the use thereof deferred until November 23, 1959; and until such further time as they may be made effective in the maner prescribed by the Natural Gas Act.

(C) First Revised Sheets Nos. 15 and 17; Fourth Revised Sheet No. 14; and Fifth Revised Sheet No. 16 to Cities Service Gas Company's FPC Gas Tariff Second Revised Volume No. 1 are allowed to become effective June 23, 1959.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and, 1.37(f)).

By the Commission.

JOSEPH H.GUTRIDE, Secretary.

[F.R. Doc. 59-5238; Filed, June 24, 1959; 8:46 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

DIRECTOR OF ADMINISTRATION

Delegation of Authority

Pursuant to the authority vested in me by Executive Order 10789, dated November 14, 1958 (23 F.R. 8897) and deeming such action will facilitate the national defense, it is hereby directed as follows:

1. The Director of Administration is hereby delegated the authority to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made, and to make advance payments thereon, without regard to the provisions of law relating to the making, performance; amendment, or modification of contracts, whenever, in the judgment of the Director of Administration, the national defense will be facilitated thereby.

¹In addition the company filed revised copies of a Table of Contents, a System Map and an Index of Purchasers to its FPC Gas Tariff, Second Revised Volume No. 1. First Revised Sheets Nos. 15 and 17, Fourth Revised Sheet No. 14 and Fifth Revised Sheet No. 16 relate to the sale of gas for resale for industrial use only.

2. The Director of Administration (Contracting Officer for the Office of Civil and Defense Mobilization) may by agreement modify or amend or settle claims under contracts heretofore or hereafter made, may make advance payments upon such contracts of any portion of the contract price, and may enter into agreements with contractors or obligors, modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under surety or other bonds.

3. This delegation of authority shall be subject to all limitations and regulations contained in paragraphs 1 to 15, inclusive, and paragraphs 23 and 24 of Executive Order 10789 of November 14,

Subject to the provisions of section 5 below, the authority herein delegated may be redelegated by the Director of Administration to any other employee of the agency.

5. The authority herein delegated shall not be utilized to obligate the United States in an amount in excess of \$50,000.

6. This delegation shall be effective as of the date hereof and shall continue in effect until revoked.

Dated: June 15, 1959.

LEO A. HOEGH, Director, Office of Civil and Defense Mobilization.

[F.B. Doc. 59-5234; Filed, June 24, 1959; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2645]

F. L. JACOBS CO.

Order Summarily Suspending Trading

JUNE 19, 1959.

In the matter of trading on the New York Stock Exchange and the Detroit Stock Exchange in the \$1.00 par value common stock of F. L. Jacobs Co., File No. 1-2645.

I. The common stock, \$1.00 par value, of F. L. Jacobs Co. is registered on the New York Stock Exchange and admitted to unlisted trading privileges on the Detroit Stock Exchange, national securities exchanges, and

II. The Commission on February 11, 1959 issued its order and notice of hearing under section 19(a)(2) of the Securities Exchange Act of 1934 to determine at a hearing beginning March 16, 1959 whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of F. L. Jacobs Co. on the New York Stock Exchange and Detroit Stock Exchange for failure to comply with section 13 of the Act and the rules and regulations thereunder.

On June 10, 1959 the Commission issued its order summarily suspending trading of said securities on the exchanges pursuant to section 19(a) (4) of the Act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending June 20, 1959.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the New York Stock Exchange and Detroit Stock Exchange and that such action is necessary and appropriate for the protection of investors;

The Commission being of the further opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, trading in the stock of F. L. Jacobs Co. will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's rule 240.15c2-2 (17 CFR 240.15c2-2) thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19(a) (4) of the Securities Exchange Act of 1934 that trading in said security on the New York Stock Exchange and Detroit Stock Exchange be summarily suspended in order to prevent fradulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 21, 1959, to June 30, 1959, inclusive.

By the Commission.

. [SEAL]

NELLYE A. THORSEN, Assistant Secretary.

[F.R. Doc. 59-5249; Filed, June 24, 1959; 8:48 a.m.]

INTERSTATE COMMERCE **COMMISSION**

[Notice 23]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OR PERMIT

JUNE 19, 1959.

The following applications and certain other procedural matters relating thereto are filed under the "grandfather" clause of section 7(c) of the Transportation Act of 1958. These matters are governed by special rule § 1.243 published in the FED-ERAL REGISTER issue of January 8, 1959, page 205, which provides, among other things, that this publication constitutes the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each) must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGIS-TER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

These notices reflect the operations described in the applications as filed on or before the statutory date of December 10, 1958.

No. MC 20783 (Sub 41), filed December 10, 1958. Applicant: TOMPKINS MOTOR LINES, INC., 730 Old Flat Shoals Road, SE., Atlanta 12, Ga. Ap-plicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, bananas, and hemp between points in Arkansas, Florida, Georgia, Alabama, North Carolina, South Carolina, Tennessee, Lou-isiana, Mississippi, Kentucky, Ohio, Pennsylvania, Michigan, Illinois, Wisconsin, Minnesota, Missouri, Iowa, Indiana, Virginia, and West Virginia. Applicant indicates that crude rubber (imported) has been transported in mixed or straight loads.

No. MC 59077 (Sub No. 33), filed December 8, 1958. Applicant: INLAND MOTOR FREIGHT, a corporation, 110 South Sheridan Street, Spokane, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, frozen vegetables, and bananas, (1) between points in Benton and Yakima Counties, Wash., on the one hand, and, on the other, Portland, and Pendleton, Oreg., as part of a through movement with connecting carriers to beyond destinations or from beyond originations; (2) between points in Umatilla County, Oreg., on the one hand, and, on the other, Portland and Pendleton, Oreg., as part of a through movement with connecting carriers to beyond destinations or from beyond originations; and (3) between points in Benton and Yakima Counties, Wash., on the one hand, and, on the other, points in Umatilla County, Oreg. Applicant states that it transported frozen seafoods, frozen dinners, fish, codfish cakes, clam juice or broth, crab, oysters, eggs, poultry, fresh fruits and vegetables, frozen pies, and frozen soups in mixed shipments with the above commodities.

No. MC 110920 (Sub No. 4), filed December 10, 1958. Applicant: JOHN PER-VIN, doing business as PERVIN GRAIN & TRANSIT CO., 1819 Third Avenue SE., Rochester, Minn. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, frozen vegetables, wool imported from any foreign country, wool tops and noils, and wool waste (carded, spun, woven or knitted), between points in Massachusetts, Rhode Island, Pennsylvania, New Jersey, New York, Wisconsin, Ohio, Minnesota, and Kansas.

No. 124----5

No. MC 113255 (Sub No. 8), filed December 10, 1958. Applicant: MILK TRANSPORT, INC., P.O. Box 398, New Brighton, Minn. Apolicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Coffee beans, wool imported from any foreign country, wool tops and noils, and wool waste (carded. spun, woven or knitted), from points in Florida, Texas, New York, Massachusetts, and Illinois, to points in Minnesota, Wisconsin, Illinois, North Dakota, South Dakota, and Iowa. Applicant indicates it also transports citrus juices, in bulk, in tank vehicles.

No. MC 113367 (Sub No. 1), filed November 17, 1958. Applicant: HERBERT E. LANE, INC., 497 West Street, New York, N.Y. Applicant's attorney: William Biederman, 280 Broadway, New York 7, N.Y. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas, from New York, N.Y., to Chicago, Ill., Cleveland, Lorain, and Youngs-

town, Ohio.

No. MC 114019 (Sub No. 23), filed December 10, 1958. Applicant: EMERY TRANSPORTATION COMPANY, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Grandfather authority sought, under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, bananas, and hemp, between points in Arkansas, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebras-ka, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

Applicant states that crude rubber and

Liquid latex were transported.

No. MC 116500 (Sub No. 1), filed December 9, 1958. Applicant: HIGHWAY REFRIGERATED SERVICE, INC., 1828 Virginia Avenue, P.O. Box 443, Hagerstown, Md. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington, D.C. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, and frozen vegetables, from points in Florida, New Jersey, and New York to points in North Carolina, South Carolina, Georgia, Florida, Louisiana, Maryland, Massa-chusetts Texas Alabama. Virginia, Pennsylvania, New York, Connecticut, Michigan, Rhode Island, New Jersey, and the District of Columbia. Applicant states that frozen fruit concentrates were transported in mixed shipments with the above commodities.

No. MC 117923, filed December 1, 1958. Applicant: C. F. (JACK) ALEXANDER, doing business as ALEXANDER DISTRIBUTING CO., P.O. Box 95, Pearland, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over transporting: irregular routes. Bananas, from points in Alabama, California, Florida, Georgia, Louisiana, Mississippi, New York, South Carolina, and Texas to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia; (2) frozen fruits, frozen berries, and frozen vegetables, from points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, Nevada, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, New Jersey, New York, and the District of Columbia; (3) Cocoa beans, coffee beans, and tea, from New Orleans, La., and Galveston and Houston, Tex., to points in Texas and California.

Applicant transported fresh fruits, fresh berries, sweetened or unsweetened, and fresh vegetables, either green or cooked, poultry and poultry parts, frozen fish, including shell fish, frozen seafood, including fish or seafood pies, meals or dinners, frozen, and fresh shrimp in mixed-shipments with the commodities

described in 1, 2, and 3 above.

No. MC 117963 (REPUBLICATION), filed December 1, 1958, published issue June 4, 1959, FEDERAL REGISTER. Applicant: JAMES VISCONTI AND PETER VISCONTI, doing business as VISCONTI BROS., Morton Avenue; Rosenhayn, N.J. Applicant's attorney: Matthew Aaron, 70 North Laurel Street, Bridgeton, N.J. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Bananas, from Philadelphia, Pa., Weehawken, Port Newark, and Rosenhayn, N.J., New York, N.Y., Baltimore, Md., and Norfolk, Va., to Philadelphia, Pa., and Rosenhayn, N.J.

Note: The purpose of this republication is to add the origin point of Philadelphia, inadvertently omitted from previous publication.

No. MC 117985, filed December 1, 1958. Applicant: MAX FRANCIS, doing business as MAX FRANCIS TRUCKING, 1506 Seneca, Box 1023, Enid, Okla. Applicant's attorney: Frank Carter, 10th Floor Bass Building, Enid, Okla. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas; from the Gulf port areas of Texas and Louisiana, and frozen fruits, frozen berries, and frozen vegetables, from points in Kansas, Oklahoma, and Missouri, to points in Kansas, Oklahoma, and Missouri. Applicant indicates he also transported TV Turkeys, french fries, TV Frozen Food, frozen turkeys, and frozen perch.

No. MC 118047, filed December 8. 1958. Applicant: FRANK ARGOE AND WILLIAM GRADY ARGOE, a partnership, doing business as ARGOE BROS. PRODUCE, 1607 Charleston Highway, West Columbia, S.C. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas, from Charleston, S.C., to New York, N.Y. and Brooklyn, N.Y.

No. MC 118246, filed December 9, 1958. Applicant: C. E. WINTERS, doing business as WINTERS TRUCKING CO., 1600 Broadway, Kilgore, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas, from New Orleans, La., and Galveston, Tex., to points in Arkansas, Iowa, Louisiana, Missouri, Nebraska,

Oklahoma, and Texas. No. MC 118272, filed December 8, 1958. Applicant: ZUZICH TRUCK LINE, INC., 120 Kansas Avenue, Kansas City, Kans. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, and frozen vegetables, between points in Illinois, Missouri, Kansas, Indiana, and Oklahoma. Applicant states that frozen fruit juices and concentrates were transported.

No. MC 118277 (CORRECTION), filed December 10, 1958, published June 4, 1959, issue Federal Register. Applicant: RAYMOND GRAY, doing business as APPLE CITY TRANSPORTATION, 157 Clifford Avenue, Watsonville, Calif. Applicant's representative: E. H. Griffiths, 451 Turk Street, Room 27, San Francisco 2, Calif. Previous publication gave the address of applicant's representative in error. The correct address is as shown above.

No. MC 118425 (REPUBLICATION). filed December 10, 1958, published issue June 4, 1959, FEDERAL REGISTER. Applicant: JOHN KAMINSKY, doing business as MIDSTATE PRODUCE CARRIERS, Rosholt, Wis. Grandfather authority

sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, frozen vegetables, and bananas, from points in Wisconsin to points in Florida, Massachusetts, Nebraska, North Dakota, and South Dakota, and return, and from points in Massachusetts to points in Louisiana, and return.

Note: The purpose of this republication is to show that applicant is a common carrier and not a contract carrier as shown in previous publication.

No. MC 118685, filed December 10, 1958. Applicant: LESTER G. WEBER, 2727 South Ninth Street, Sheboygan, Wis. Applicant's representative: H. F. Chapman, P.O. Box 14, Plymouth, Wis. Grandfather authority sought under section 7 of the Transportation Act of 1958. to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen fruits, frozen berries, frozen vegetables, and ba-nanas, from Ontario, Modesto, and Watsonville, Calif., Hillsboro, Oreg., and Sturgeon Bay, Wis., to Appleton, Butler, Eau Claire, Green Bay, La Crosse, Marshfield, Manasha, Milwaukee, Neenah, and Wausau, Wis., and Menominee, Mich., and Los Angeles, Calif., and points in Oregon.

By the Commission.

[SEAL]

HAROLD D. McCoy, Secretary.

[F.R. Doc. 59-5221; Filed, June 24, 1959; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 22, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35512: Caustic soda-Charleston, W. Va., group to Rome, Ga. Filed by O. W. South, Jr., Agent, (SFA No. A3818), for interested rail carriers. Rates on liquid caustic soda, tank-car loads from Charleston, Dock, Elk, Owens, South Charleston, and South Ruffner, W. Va., to Rome, Ga.

Grounds for relief: Rail market competition.

Tariff: Supplement 122 to Central Territory Railroads Tariff Bureau tariff I.C.C. 4664.

FSA No. 35513: Liquefied chlorine gas-Plaquemine, La., to Tennessee points. Filed by Southwestern Freight Tariff Bureau, Agent (No. B7571), for interested rail carriers. Rates on liquefied chlorine gas, tank-car loads from Plaquemine, La., to Boyce, Calhoun, Chattanooga, and North Chattanooga, Tenn.

Grounds for relief: Rail market competition.

Tariff: Supplement 386 to Southwestern Freight Bureau tariff I.C.C. 4087.

By the Commission.

HAROLD D. McCoy, Secretary.

[F.R. Doc. 59-5251; Filed, June 24, 1959; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

Miscellaneous Amendments

Effective upon publication in the Fen-ERAL REGISTER, the following amendments to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, are prescribed:

Subparagraph (2) Ports of entry for aliens arriving by vessel or by land transportation of paragraph (c) Suboffices of section 1.51 Field Service is amended in the following respects:

1. The list of Class A ports of entry of District No. 7-Buffalo, N.Y., is amended by adding "Rochester, N.Y.," in alphabetical sequence.

2. The list of Class C ports of entry of District No. 7—Buffalo, N.Y., is amended by deleting "Rochester, N.Y."

3. The lists of Class A and C ports of entry of District No. 8-Detroit, Mich., are amended to read as follows:

CLASS A

*Algonac, Mich. Detroit, Mich.

Ecorse, Mich. (May 15-Oct. 15) Gregory's Marina, Detroit, Mich. (May 15-Oct. 15).

Grosse Isle Yacht Club, Grosse Isle, Mich. (May 15-Oct. 15).

Isle Royale, Mich

*Marine City, Mich. Marysville, Mich.

*Port Huron, Mich.

*Roberts Landing, Mich.

*St. Clair, Mich.

*Sault Ste. Marie, Mich.

CLASS C

Alpena, Mich. Baraga, Mich. Bay City, Mich. Detour, Mich. Escanaba, Mich. Grand Haven, Mich. Holland, Mich. Houghton, Mich. Ludington, Mich. Mackinac Island, Mich. Manistee, Mich. Marquette, Mich. Menominee, Mich. Monroe, Mich. Munising, Mich Muskegon, Mich. Port Inland, Mich. Rogers City (Calcite), Mich. Saginaw, Mich. South Haven, Mich.

4. The lists of ports of entry of District No. 25-Washington, D.C., are amended to read as follows:

CLASS A

Washington, D.C. (includes the port facilities at Alexandria, Va.).

Moorehead City, N.C. *Wilmington, N.C.

*Norfolk, Va. (includes the port facilities at Newport News and Fort Monroe, Va.).

CLASS C

Richmond, Va.

Yorktown, Va. (includes the port facilities at the U.S. Navy Mine Depot, Cheatham Annex, and at the U.S. Navy Mine School,

Dated: June 22, 1959.

J. M. SWING, Commissioner of Immigration and Naturalization.

[F.R. Doc. 59-5273; Filed, June 24, 1959; 8:51 a.m.]

Office of Alien Property SALOMON VECHT ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Salomon Vecht, Schuitstraat 23, Beverwijk. The Netherlands; \$158.47 in the Treasury of the United States.

Mrs. Betty Vecht (Schon), Tel Aviv, Israel; \$158.47 in the Treasury of the United States.

Mrs. Sientje van Amerongen, Gevers Deynootweg 184, Lelden, Scheveningen, The Netherlands; \$13.21 in the Treasury of the United States.

Levie van Amerongen, Haarlemmerstraat 233, Leiden, The Netherlands; \$13.21 in the Treasury of the United States.

Miss Saartje van Amerongen, Jacob Obrechtstraat 92, Amsterdam, The Netherlands; \$13.20 in the Treasury of the United

Alexander van Frank, United States; \$39.62 in the Treasury of the United States.

Mrs. Jetje van Frank, Princestraat 31, Kat-

wijk, The Netherlands; \$39.62 in the Treasury of the United States.

Mrs. Rebecca van Frank, Zoeterwoudsesingel 69, Leiden, The Netherlands; \$39.62 in the Treasury of the United States.

Meyer Elias Davidson, United States; \$79.24 in the Treasury of the United States.

Leendert Davidson, Parkstraat 12, Scheveningen, The Netherlands; \$79.23 in the Treasury of the United States.
Vesting Order No. 17913; Claim No. 61233.

Executed at Washington, D.C., on June 16, 1959.

For the Attorney General.

PAUL V. MYRON, Deputy Director Office of Alien Property.

[F.R. Doc. 59-5261; Filed, June 24, 1959; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE-JUNE

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during June. Proposed rules, as opposed to final actions, are identified as such.

Page | 7 CED Continued Page | 12 CED

5	CFR ***ge	7	CFR—Continued	-	rage		CFR	•				Page
Pro	clamations:	Pro	posed rules—Continued	1		13		_ 4478,	4479	, 4514,	4588,	4589
	June 28, 1910 5193		723		4964.	i	4607,	4652, 48	884,	4917,	4952,	4992
	2980 4679		725		4964		4993.	5017. 5	018.	5148.	5179.	5180
	3147 4679		727		4964	303_						4480
	3158 4679		904				CFR					
	3188A 4679		909		4748						P44B	F100
	3206 4679		911		4920	2		-			- DIII	, 5180
	3248 4679		918			9						5117
	3296 4607		927				·					
	3297 4679		934									
,	3298 4679	,	960			230.					_ 4953,	, 5117
	3299 4771		969			Proi	posed ru	les:		•		
	3300 5103		975			ļ	1					4924
Exe	ecutive orders:		977			1	3					4924
	Dec. 9, 18524728		990			1	249					4888
	July 2, 1910 4925.	-	1000	4753	5158	18	CFR			-		
	7923 4959		1001	1100,	4494		oosed ru	700 •				
	10824 4447		1017		4634	* 101	1					4500
	10825 4825	_			1001		2					45040
_	,	8	CFR			[101					
	CFR	245		*	4905							2001
6	4505, 4545, 4607,	249			4005	19	CFR.					
	4647, 4771, 4901, 4947, 4987, 5013				1000	1	,					4885
	4987	9	CFR ,	_		6						4918
	CFR				5177							
O	CFR											
331	4545, 4587, 4869											
421	4449, 4545											
427	4869, 4876, 5116											
481	4647	100			4904							
	5133	10	CFR '			23						4019
485	5169		= ' '			24						5150
7	CFR	PTC	posed rules:		F4 F0	25						5117
-			Ch. I									
	5169		20			Pro	posed ru	700.				4900
	4681, 5103		140		4564	170,	31	<i>.</i> .				1500
	4987	12	CFR									4000
68_	4682					20	CFR					
	4772	206			4906	325_						5018
	4505, 4649											
330	4650											
718	4507, 5141											0-0-
722	5105, 5106				4830		CFR			-		
723	5106	Pro	posed rules:	,	,	3						4698
	i 4682, 4947		545		4564							
	3 4507, 4949	7.4	=	` ,		304.						4698
	5113	!	CFK *	,	-	Proi	posed ri	ıles: ,				
876	5173	1	199		4650	1	9					
922	2 4613, 4827, 5013					Ì	19					
927	7 5175					1	120					
	5 4693, 4901, 4903, 4904, 4989–4992	225			4906		121					
937	/ 4881, 5176	242			4609	1	130					4518
945	4509					25	CFR					
953	3 4447, 4614, 4827, 4882, 5015	292										5010
	4449	295			4907							
968	4550						nosed ru					4002
969	4827, 5015						posed ru					4510
100	1 4828, 5016		—635				171					4519
100	3 4510		4590, 4609, 4			•	172					4518
101	5 4694					26	(1954) CFR				
102	20 4725				5116							4831
102	5016	609	4	610.4912								
102	22 4727	610	4	1694 4697	5145							
106	5 5016		9									
	574829											
	9 4829	Pro	0 posed rules:		0110							
107	70 4694	170	507			991						4191
$P_{r'}$	oposed rules:		600	4004	NUEU OTQ1							
- / (600									
	52 5152		601	4964-	-4 969							
	53 5187	15	CFR		٠ ـ	296.						4623
	564997					Prof	posed ri					
	684597					ļ	1					4495
	81 4699					-	170					
	301 4635	399			4488	l	173					4734
	*	•	•								_	

26 (1954) CFR—Continued	Page	37	CFR		Page	45	CFR		Page
Proposed rules—Continued		201				531_			4597
195		202			4956	1 4 2			
240		38	CFR			ł	CFR		
250		1			5021	10			5022
252	4742					12			5023
29 CFR						35		4960,	5023
4	4953				TOOT	39			5023
545			CFR			67			5023
Proposed rules:	3101	168.		4453, 4513	, 4727	78		4960,	5023
681	4496	Pro	posed rules:			92			5023
	1100	1	95		4963	97		4960,	
32 CFR		41	CFR ,			110_			5023
1	4551		L		4454	154_		4774,	
2		î_	12		4454	160_			4961
3		1 -	16	4454	4996	167_			4962
4		18-	-60	TIUI	5123	185~		4962,	
5	4553	Pro	posed rules:		0100	18.1-	~~~~~~~~~	· ·	5023
6		1	202		4597	47	CFR		
7	4553				1001	1			
8	4559	42	CFR			2			4963
10	4560	1			4516			4491–4494,	
11	4560		CFR			11			4659
12	4560					12		4516, 4550,	
14	4560								4660
16	4561	192.	77 7 7 7		4630	14	~~~~~~		4632
30	4561	Puo	lic land orders: 309	_		31		4660,	4661
536	4591	1					osed rules:		4-4-
561	4628		587		4524		3		4519
571		l	1714				TI		5188
633	4591	1	1762				16	5188,	
1453	4595	ł	1860		4597		19		4969
1701	5181	l	1861		4488	2	21		5188
1709	4954	ſ	1862		4488	49	CED		
32A CFR]	1863		4488				
			1864 1865		4516	91			4730
BDSA (Ch. VI):			1866		4516	95		4774, 4994-4996,	5186
	5020		1867		4562	187			4698
OIA (Ch. X):		1	1868		4659	193		5119.	5186
OI Reg. 1	4654	l	1869		4700				
33 CFR		ł	1870			Prop	osed rules:		
			1871			-			5191
19 4773,		•	1872						4635
116	4596	l	1873				105		
146	4954		1874		4129	٤	190		5160
202	4773	l	1875		4000	50	CFR		
203 4561, 4629, 4919,	5150	l	1876		4000				r10#
205 4561,	5150	I	1877	~	400c				5187
207 4561, 4919, 4993,	5150		1878		4050				4996
36 CFR	ı	١,	1879	**	4050				4663
		l	1880		5118				4663
1—34	5045				0110	108		4663,	5151
Proposed rules:			CFR		l	109		'	4663
1	4519	401_			5119	115			4663
		ı			i				. –